

GUIDELINES FOR PLANNING, ESTABLISHING OBJECTIVES AND VALUES,
AND FORMULATING A CODE OF ETHICS FOR AN
INSTITUTION OF HIGHER EDUCATION

BY

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Dedicated to my families
of
Birth - Profession - Faith

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The purpose of this study was to develop guidelines that could be used by an institution of higher education to establish procedures for the creation of a code of ethics to serve the needs of the university community. From a review of literature eighty-two guidelines were developed. The guidelines were classified under the following titles and sub-titles:

Guidelines for Planning a Code

Executive Responsibilities

Committee Responsibilities

Guidelines for Establishing Objectives and Values

Objectives

Values

Guidelines for Formulating a Code of Ethics

General Provisions

Maintenance Provisions

Enforcement Provisions

The guidelines were submitted to a jury whose members numbered fifteen; together they represented a majority of the chief academic officers of a selected state university. The guidelines were presented in the form of a questionnaire which allowed each juror to select one of three options in reference to each guideline: reject, delete, or modify. A conceptual validation of each guideline, predicated on a consensus, was based on the endorsement of the guideline by three-fourths of the members of the jury. For graphic representation, a percentage of 80% indicates a consensus.

An analysis of the responses emanating from the questionnaire confirm that 55 of the 82 guidelines were conceptually validated. The highest percentage of guidelines that were endorsed were those under the title, "Guidelines for Planning a Code of Ethics"; of these, twenty of the twenty-four were validated. Among the guidelines developed for "Establishing Objectives and Values," nineteen of the twenty-three were validated by the jury. Under the third title, "Guidelines for the Formulation of A Code of Ethics," seventeen guidelines were validated from a total of thirty-two.

CHAPTER I

INTRODUCTION

In the past several years concern has intensified in several sectors of our society for guidance relative to making decisions of an ethical nature. These concerns have not only surfaced in literature, seminars, and conferences sponsored by professional organizations but have also contributed to the formation of institutes whose sole purpose is to study ethical issues.

Notable among the professions whose members have subscribed to codes of ethics or standards of practice are medicine, law, and business. In the field of professional education, one does not find a code of ethics that applies equally to all of its practitioners and, perhaps, rightly so. Also in the field of education, because of the many levels of participation and the diversity of skills employed, one does not always witness the hallmarks that distinguish other professions. The diversity is not divisive. It contributes to the unique composition of the profession of education. This uniqueness requires institutions to set up a multiplicity of regulations to bring about a harmonious unity among all who participate in the profession's mission.

In the creation of the academic environment that allows an institution to pursue its goals, it is the administrator who is held responsible for the decision-making process.

The administrative function in higher education exists to serve the educational community by facilitating the process of education and by the creation of a milieu conducive to the teaching, learning, research, and service function of higher education (American Association of University Professors, 1969, pp. 57-58).

On occasion, especially in institutions of higher learning, the complexity of the ethical issues puts an unreasonable burden upon the administrator. In the "Chronicle of Higher Education," William Gartland considers the implications of experiments in genetic research (even though in this instance the National Institute of Health sponsored by the federal government has given some guidelines) (McDonald,, 1982). Contributing to the complexity of today's administrative responsibilities in the determination of policy in major educational institutions is the reality of what Kerr (1964) refers to as the Multiversity (p. 6). Since the time of that statement, few would deny that the stream of governmental regulations on all levels has increased, with a corresponding demand on all segments of university governance. Cognizant of the multiplicity of these and other responsibilities, the conscientious decision makers cannot allow themselves to be placed in a quandary, especially when the judgment has a moral implication.

Responding to some of the present day demands upon an institution, for example, those of a social nature, Harvard's president comments:

Administrators, be they presidents or deans, have duties and concerns that also affect their attitudes towards controversial issues. The nature of their responsibilities forces them to mediate among opposing points of view and to search for policies that they can justify in public and apply to future cases without intolerable difficulty. (Bok, 1982, p. 13)

To deal with ethical issues, Immegart and Burroughs (1970) suggested to educational administrators that there is almost a myriad of ethical structures from which decisions can be drawn (p. 94-95). Compounding the problem, they observed the fact that "Relatedly and equally problematic is the fact that because of the scope and diversity of the administrator's ethical screen, most administrative behavior can be judged as ethical or unethical according to the will of the adjudicator" (p. 96). The ethical structure to which these authors refer runs the gamut from "personal conviction" to reliance upon "wit," clearly an inadequate approach.

Historically, the strong religious convictions of presidents who guided the early institutions were rooted in the denomination's tenets which allowed them to make ethical judgments with much less impunity than is possible in today's pluralistic society. In view of the current latitude of values and value systems, there could be an understandable hesitancy, if not an outright opposition, to the idea that an institution would sponsor a code of ethics.

This legitimate concern may not be ignored but conversely, an administrator in the university setting has a right to some form of recourse, recognized by the university, when a decision has profound ethical implications that may be attendant upon one's judgment. A legal accountability may be imposed upon an institution; however, moral responsibilities, in the strict sense, can be borne only by a person, the individual making the decision in the name of the institution.

In the study of administrative theory one finds that the decision-making process can run from blatant individualistic expediency espoused by Machiavelli to the benign principles endorsed by Mary Parker Follett. Machiavelli (1512/17/1940), alluding to those who seek to exercise power in their position suggests "cunning and deceit will serve a man better than force to rise from a base condition to great fortune" (p. 318). Follett's sentiments as expressed by Metcalf and Urwick was that she viewed administration as "the building and maintenance of dynamic, yet harmonious human relations" (Metcalf, H.C. and Urwick, L (Eds.), *UDynamic administration*, cited in Kimbrough and Nunnery, 1976, p. 63). Nevertheless, the ultimate purpose of each theory was to enable the practitioner to reach a desired objective. Though this decision-making process may achieve repercussions or ramifications never intended, the thoughtful person must have at least asked whether the decision was made with a good or bad intention. "Adlai

Stevenson once commented that he was not afraid of a person who knew right from wrong but that he did fear the person who did not know the difference" (John Steinbeck, "America and the Americans," cited in Kimbrough and Nunnery, 1976, p. 20). Stevenson's view leads one to appreciate the following statement by Kimbrough and Nunnery (1970):

The one indelible impression a person has upon becoming a top-level administrator is that there are numerous decisions that have to be made. The administrator may not make all the decisions personally, but he or she is responsible for seeing that they are made. An equally indelible impression is that so many of the decisions must be made wherein those involved in the process must feel severely cross-pressured in selecting from several alternatives. The ambiguity involved in what needs to be decided, how it should be decided, and what decision should be made bothers some persons more than others. (pp. 19-20)

Notwithstanding the fact that a decision may be bothersome, the professional administrator acting in the name of the institution seeks to resolve issues on the basis of justice. When the issue to be dealt with concerns a grave and complicated ethical problem, assistance may be needed to decide in a conscionable manner. A void apparently exists in this area, given the literature which so frequently suggests the need for remedial action on issues of an ethical nature. "Adopt Policies to Control Research Fraud, Medical Schools Urged" reads one headline in the Chronicle of Higher Education (McDonald, 1982).

There is a need in the field of higher education to provide, as a matter of policy, some mechanism to develop a code of ethics or standards of practice, or to provide some

recourse for administrators who must make serious ethical decisions for universities. This research project was undertaken to provide a model of procedural guidelines that may be used by an institution of higher education to implement a program that addresses itself to this issue.

Since the decision-making process involves procedures that are derived from both theory and practice, every effort will be made to use recognized theories as a basis for organizing the guidelines. Their application may well be adjusted to suit the practical order.

Statement of the Problem

The problem of this study was to develop guidelines that may be used by an institution of higher education to establish procedures for the creation of a code of ethics to serve the needs of the university community.

These guidelines focus on the need for standards of professional conduct in the university community and the need for some mechanism to assist in the resolution of ethical problems. In the development of the procedures, the writer used guidelines based primarily on literature from the fields of educational administration and business administration.

Delimitations and Limitations

Delimitations

The following delimitations applied to this study:

1. The initial set of guidelines were derived from appropriate literature.
2. The institution chosen as the model for which these guidelines were developed was a major university, the University of Florida.
3. The panel of jury members represented major segments of administrative divisions, whose contribution of expertise varied due to theoretical and practical experience. Their selection was dependent upon their willingness to participate.

Limitations

The following limitations applied to this study:

1. The validation of the guidelines was dependent upon face validity and the review provided by the administrators who participated in the study as a panel of jurors, since all were employees of the institution which served as a model. Consequently, the guidelines developed are not empirically derived.
2. In both the public and private sectors of education, an institution's mission statements vary in their philosophic outlook due to individual needs. Hence,

conclusions reached in this study are not suited to broad generalizations.

Assumptions

The following assumptions were made:

1. Issues can be verified as having ethical implications.
2. Certain behavior can be identified, by a common consensus of peers, as being ethically good or bad.
3. An administrator is obliged to act in a conscientious manner regardless of the fact that some judgments, while they may be in accord with institutional philosophy, may conflict with personal convictions.
4. The proposed guidelines do not purport to endorse the superiority of one ethical system of thought over another.
5. The endorsement of legal terminology to express ethical concepts or ethical statements is not to negate the inherent value of philosophical or ethical terminology.
6. This study represents a step toward the broader problem, the essence of which is to have the institution accept the rights and obligations that its quasi-person status entails. This step should be accomplished in a public and formal manner.
7. For the purposes of this study, ethics is to be understood in the normative sense.

8. The study recognizes that guidelines alone do not resolve all issues, nor should they be construed as an oversimplification of old or newly emerging ethical problems.

Definitions

Administrators. Persons whose rank is that of president, vice president, or dean.

Conceptual Validation. The endorsement of the basic thought underlying a guideline based on an educated judgment, not necessarily upon empirically demonstrable evidence.

Ethical. Relating to moral action, motive, or character; treating of moral feelings, duties or conduct; containing precepts of morality. In the secondary sense, that which is professionally right or befitting; conforming to professional standards of conduct.

Ethical Code. A systematized collection of rules and regulations pertaining to precepts of an ethical nature. In this study the phrases "professional standards of conduct" or "standards of professional practice" are to be understood as being co-extensive with "code of ethics" or "ethical codes."

Guidelines. Statements considered to have a bearing on policy, or considered as criteria intended to foster the stated goals of the institution and possessed of a degree of organizational requirements.

Institution of Higher Education. A university with a four-year undergraduate program in addition to graduate programs on the master's and doctoral levels.

Moral Dereliction. The failure by any member of a profession to apply in professional practice the standards which by a consensus of opinions in the profession are necessary.

Professional Ethics. The application of the accepted standards of right and wrong to the conduct of professionals in the relations peculiar to their professional employment.

Justification

The justification of this study was based upon two premises--a verifiable need for institutions of higher education to adopt ethical guidelines and the nature of the subject which precludes an executive fiat to accomplish this end. The rationale for the first premise was derived from an examination of four viewpoints--professional education, administrative theory, judicial requirements and a socio-political aspect. It was appropriate to defend the development of the guidelines on an institutional basis since, even in statewide university systems, institutions have their own individual identity.

From an educational point of view the educator prizes academic freedom above all else, and rightly so, for it is the cornerstone of academia in the United States. On the university collegiate levels the American Association of

University Professors stands ever vigilant to protect the rights and privileges of its members. To this end, the organization has published its own statement on professional ethics recognizing that it differs from other organizations. The association, unlike other professional organizations, does not police its membership. It does not have a process to discipline, which ordinarily serves to strengthen the observance of its code. To cover this situation colleges and universities must depend upon contracts or other quasi-legal documents which spell out institutional-faculty relationships. The association expects the individual institutions to handle allegations of professional impropriety, moral or otherwise (American Association of University Professors, 1966, p. 57).

Historically, idealism thrives in an atmosphere of mutual trust and on this foundation the university system has been largely self-regulated. A change in this pattern has been underway, warranting a renewal of efforts to enhance self-governance. The American Council on Education is but one organization offering guidance as evidenced by several of their publications beginning in August 1979. Their statements are called "Self-Regulation Initiatives" which are designed to encourage voluntary self-regulation. Malcolm Scully (1982) reviews the Carnegie Foundation's report for the Advancement of Teaching which echoes the same thought, "the governance initiative must be returned to where it belongs: to the campus itself" (p. 1). The

Carnegie Report (1982) states, "Policy guidelines developed by the American Council on Education's self-regulation project and by the new forums recommended in this report should be considered for adoption at every institution of higher learning to which they apply" (p. 13). (They frequently refer to the need for a code of ethics.)

The problem, to develop procedures to institute guidelines dealing with issues that have a moral or ethical implication, was not entirely ignored. Roeder (1982) reported that a meeting was to be held by the presidents of Harvard, Massachusetts Institute of Technology, Stanford University, University of California and the California Institute of Technology, with faculty members and representatives from high technology firms. Participants "will try to agree on principles to govern complex and lucrative relationships that have sprung up between industry and academe" (p. 15). The agenda of itself did not stand as uncontroverted proof that the issue was one of ethics, but that concern was an inherent factor. As a further indication of the need for professional administrators in education to be concerned with ethical decisions were two observations--one dated and one current. Elaborating upon this theme, Sears (1950) reasoned as to the place of ethics in the studies of school administrators and as to why ethics in management should hold a more important place.

Behavior of people in the profession cannot be fully controlled by law or by law plus our knowledge of the facts and theories of its problems. Beyond the legal and the rational there

is the realm of behavior that has to do with moral right and wrong, a realm of vast importance to the success of administration. In this realm control can be only by ethical standards. (p. 36)

Speaking in the same vein, justifying the educator's need for training in ethics, William May (1980) said:

Finally, the professional schools should include not only their appropriate specialists on the recognized subdivisions of the legal and medical traditions, but also be open to the work of philosophers, theologians, ethicists, and those of their own practitioners who reflect on the substantive moral and policy issues which the professions raise. (p. 209)

Again, "Only if faculty members and administrators see a more interior connection between moral reflection and the university's central mission will a path be found through the secondary issues" (May, 1980, p. 208).

While the philosopher would make the distinction between individual and institutional behavior, from an educational point of view, they were often bound together in the public eye. Hence, Kimbrough and Nunnery's (1976) thought--"Living by a defensible and widely accepted code of ethics is essential for the well being of the profession" (p. 473)--may be applied to both the individual and the institution.

From an administrative point of view, it is axiomatic that, as one's obligations are increased by virtue of quality, quantity, or complexity, there is a corresponding responsibility to advance one's skills. It is also recognized that organizations, too, must restructure themselves to accommodate change, and universities are not immune to

suggestions that they, too, look to management for various techniques. For example, David Nichol (1982) asked if university administrators could learn by posing the question, "Can Theory Z be Applied to Academic Management?" (p. 72).

These administrative principles form the basis for responding to the need for practical, substantive guidelines to implement procedures for creating a mechanism that will assist administrators in the resolution of ethical problems. This obligation to have an awareness of one's executive responsibility was recognized by Barnard (1971). The obligation to respect codes and even to create them was emphasized when he stated, "That which is unique to the executive functions, however, is that they also impose the necessity of creating moral codes" (p. 274). Later he spoke of the strengths and weaknesses of the executives' relationship to organizations. He pointed out that the success of the relationship ultimately depends upon the union of the common good with that of the individual, certainly an aim of the university.

But we should not deceive ourselves by thinking that either a science of cooperation and organization or the further development of the executive arts will alone promote a greater integration of social forces, or even maintain the present status. The ethical ideal upon which cooperation depends requires the general diffusion of a willingness to subordinate immediate personal interest for both ultimate personal interest and the general good, together with a capacity of individual responsibility. (p. 293)

In the organizational structure of educational institutions, ethical policies were not subjected to the same rigid standards as those that govern admission or affirmative action. Nor if an ethical question arose, did we find recursive procedures so readily available as we did in the other cases mentioned. If the corporate world would perceive a need to incorporate desirable expertise in its organizational structure, reluctance to do so was viewed with suspicion.

One found in the literature that authors like Barnard (1971), Knezevich (1970), and Walton (1970), spoke of executive responsibility in decision making. They saw ethics as a factor that deserved recognition on the part of the administrator and its significance in the organization. Barnard states: "yet it is clear that the most important obligation is to raise and decide those issues which no one else is in a position to raise effectively" (1971, p. 191). He was writing in the context of decisions that must be made in several distinct fields. Knezevich (1970) was discussing the ethical concerns of the administrator when he wrote:

It may appear that a code and its implementation are undesirable because their existence adds more explosive steam to the pressure cooker life of an administrator. The reverse is, though, closer to the truth. If administrators seek full and complete professional status then they must be prepared and willing to endure hardships along the way. (p. 23)

Walton (1970), addressing the issue of ethical values in administrative decisions, "proposes in this chapter to examine the responsibilities of educational administrators

for lessening the corruption of the 'flesh'; i.e. the school organization" (p. 60).

Ivan Hill (1976), formerly associated with the Ethics Resource Center in Washington, D.C., encouraged educators to relate ethical value to the meaning and purpose of life and, in the commentary on codes of ethics, suggested that organizations could be more effective if they adopted such codes. Administrative theory would certainly endorse a planned and logical method to introduce such codes; this study proposed one such plan.

From a judicial point of view the need for the multi-versity to have a procedure to develop ethical guidelines was paramount. This need was well expressed by Walton (1979).

The complexity of the modern organization (including more demanding standards for ethical behavior by all organizational employees and changing judicial interpretation of what constitutes personal responsibility) has intensified the need for instruction in management ethics. (p. 31)

In his Handbook of College and University Administration, Knowles (1970) alluded to legislative matters and what might be viewed as a handicap on the part of educators--they do not appreciate the emphasis of law.

A predominant common feature of all laws of higher education is their tendency to emphasize organizational and administrative matters. In most cases, such laws are made to combine all teachers, students, and research staff of the relevant institutions, as well as the property and other physical facilities placed at their disposal, into separate entities that are endowed with all of the characteristics of legal personality. (p. 1901)

A second reason that prompted the development of a greater awareness and consequent responsibility to act was based on the inadequacy of some present standards that were currently in use. The problem was best exemplified in the experience of the Pennsylvania Psychological Association's move to adopt a new code of conduct. Pat Bricklin succinctly pinpointed the difficulty. "The problem is that they (the current rules) are written in terms of ethical principles rather than in legal terminology" (Roche, 1982, p. PB8N). She mentioned that several cases had been dropped when it was necessary to use the court system because the attorneys complained that wording of the code caused problems and, therefore, the code was difficult to enforce.

The past ten years saw an unparalleled reawakening of the ethical concern. This was a result, at least in part, of the recent events in our nation's governmental and business history. As was previously noted, education was not immune to accountability given the frauds that had made headlines. The problem, however, while revitalized was not new. Immegart and Burroughs (1970) observed that

every profession has had to fill the breach between what is morally right and what simply satisfied the letter of the law. Professional behavior must be guided by recognized ethical principles of practitioners for the statutes of the state or nation are often silent on what shall prevail in many sensitive and crucial matters.
(p. 17)

Ethics goes beyond the statements of unequivocal policies. Can ethical principles somehow be translated into a form that allows them to function as the guidelines for the

policy statements and ultimately the actions themselves?

The central question, as stated by Leys (1952), was:

Can problems of policy be analyzed in such a way that fewer of them have to be settled by hunch and more of them can be enlightened by moral principles? Is it possible to articulate what we mean by wisdom and good judgement? (p. 4)
The crux of the problem became how to see this ethi-

cally based policy determined in practice. Often the desire was present but serious and valid questions about how to achieve or implement such policies remained.

The problem is how to get from ethics to policy. If you make a few straight inquiries, you will find some people who entertain clear and straightforward ideas about ethical duties and they may have definite notions about policies; but they can't tell you how to get from ethics to policy or vice-versa. (Leys, 1952, p. 3)

This was the problem to be addressed in the study herein. The decision-making process that effects policy is the obligation of administration. Relevant was Simon's (1950) stance: "If any theory is involved, it is that decision-making is the heart of administration" (p. xiv). The sociopolitical viewpoint that supported the need for procedural guidelines was the increasing realization that fiscal exigencies required a professional competence to lobby in the legislative halls. Lobbying had always had inherent dangers frequently involving questionable compromising. Similarly, the need to be active in professional fund raising was accepted where once such activity was engaged in with reluctance. The availability of grants and supported programs sponsored by government agencies and foundations

had opened a veritable floodgate for requests whose justification was occasionally suspect. The attendant "strings" on the university's autonomy and on the line that precluded outside intervention in university matters had been definitely blurred. In a discussion on basic academic values, Derek Bok (1982) made two statements that were addressed to the socio-political concerns of society. The first statement was related to institutional autonomy.

Thus the critical task is not merely to find an adequate compromise between public needs and the private interests of the academy, but to decide how government and universities can work in harmony so that higher education will be able to make its greatest social contribution.
(pp. 39-40)

The second statement was related to the purposes of the university.

In addition academic leaders have a responsibility to curb activities and programs that promise to violate generally accepted norms of society or to inflict unwarranted harm on others. This obligation raises difficult issues both in defining the proper ethical standards and in deciding how to reconcile such moral duties with the need to preserve institutional neutrality and academic freedom. (p. 85)

Relative to the high value that the educational community placed on its perception of a good public image, one of the salient conclusions of the Carnegie Commission's Governance report was that

Public confidence in higher education's ability to govern itself must be restored and government involvement in the academy diminished. To achieve this goal academic leaders must be willing, collectively, to set academic and accountability standards and, through regional accreditation, participate in their enforcement. (Scully, 1982)

The issue of public confidence was not lost on Obenhaus (1965) when he referred to the public's faith in codes:

In almost every chapter of a study reporting ethical issues in a number of occupations, the participants voiced their longing for ethical guidance in their particular vocational problems. The incontrovertible fact is that many must be protected against the human propensity to seek one's own advantage. It is at this point that the forces of ethics and religion make their contributions to the well-being of society. (Victor Obenhaus, Ethics for an Industrial Age, cited in Immegart and Burroughs, 1970, p. 36)

If it were to be implied to the public that institutions of higher education had neither ethical guidelines nor the policy procedures to make ethical decisions, one might have suspected incredulity on their part, given the resources that academic had at its command and the esteem that was accorded to institutions.

The peculiar individuality of each institution of higher education justified the development of guidelines that would be endemic to each. Notwithstanding the fact that some institutions were closely related by virtue of state law, generally speaking each one manifested its own identity. This autonomy was exemplified by their entering into a variety of contracts, being held accountable on an institutional basis for governmental regulations and their subscription to memberships in a host of professional associations in their corporate name.

While a minimum of examples had been suggested there were at least two fundamental reasons that emphasized an institution's uniqueness. In the first instance, the

mission statement sought to aver how the university would fulfill its role and usually offered a philosophic basis for its choice. Secondly, the accreditation process was premised upon the individual identity of each institution. For these reasons the writer maintained that needs of each institution were best served by a tailored code of ethics that evolved from the unique requirements of each institution. To accomplish this in a more meaningful manner, guidelines were developed herein to implement policy utilizing the current organizational structure and modifying the decision-making process to accommodate the guidelines that are presented.

These conceptually validated guidelines were developed to fulfill a need which was perceived to exist in higher educational administration. They are designed to serve as an objective approach to a problem that is faced by administrators who are occasionally confronted with ethical problems that require thoughtful judgments that reflect upon the integrity of the individual and the reputation of the institution.

Procedures

The study was conducted in four phases. A review of pertinent literature constituted the first phase. The second phase consisted of the formulation of the tentative guidelines and their review by a select committee to judge the content, clarity and format. The third phase included

selection of a jury and the conceptual validation process. The fourth phase consisted of the analysis of the conceptually validated data.

Development of the Guidelines for the Implementation of Policy

The initial guidelines were based on a review of literature. Literature selected for review included publications from a variety of educational associations, the Philosophy Index, the Educational Index, the Business Periodicals Index, Dissertation Abstracts International, governmental statutes, and an Educational Resources Information Center (ERIC) search. Other books selected were primarily from the area of educational administration and business administration.

Preparation of the Tentative Guidelines

Recommendations relative to the content, clarity, and format of the initial guidelines were solicited from a select committee of four whose professional qualifications were recognized in the research community. The writer revised guidelines, incorporating suggestions of the select committee that seemed the best suited to accomplish the purpose of the review.

Validation of the Guidelines

A jury was chosen to review the revised guidelines. Members of the jury were chosen on the basis of their

position in the administrative structure of the institution. The guidelines were submitted to each member of the jury with a request to indicate on the questionnaire one of three options--retain, delete, or modify. Secondly, the instructions advised that when a modification was indicated, the juror was free to suggest an alternative, and lastly, comments were welcome. The instruction page is part of Appendix B.

Analysis of the Validation Responses

The final phase consisted of the analysis of the responses to determine if in fact a consensus of opinion existed. If so, that meant that the guideline could be used to accomplish the resolution of the problem undertaken in this study. A consensus of opinion was determined to exist if three-quarters of the respondents endorsed the same guideline. If the respondent indicated a modification would be advisable and wrote in a suggestion, the guideline was reclassified as "retain" provided that the substance of the original guideline remained intact. This judgement as well as others pertaining to the evaluation of responses was made by this writer. Other details concerning interpretation of responses will be found in Chapter IV.

Organization of the Study

This study is presented in five chapters. The first includes an introduction and framework of the study; while

the review of the literature composes Chapter II. The formulation of the initial guidelines, a rationale and a review of the select committee's evaluation is the composition of the third chapter. The fourth chapter has included an analysis of the conceptually validated guidelines. Chapter V contains a summary and the conclusions of the study.

CHAPTER II

LITERATURE REVIEW

In the preparation of the guidelines, data gained from literature provided the basis for their formulation. Emphasis was placed on literature published since 1970. However, several works were selected which preceded that date because they contained material that was particularly pertinent to the topic at hand.

This chapter is divided into three parts, each having appropriate subdivisions:

- Guidelines for Planning a Code of Ethics

 - Executive Responsibilities

 - Committee Responsibilities

- Guidelines for Establishing Objectives and Values

 - Objectives

 - Values

- Guidelines for Formulating a Code of Ethics

 - General Provisions

 - Maintenance Provisions

 - Enforcement Provisions.

Guidelines for Planning a Code of Ethics

Executive Responsibility

The influence of the president to determine the success of any policy cannot be overestimated, especially as it relates to the process which would precede the implementation of a code of ethics that would apply to the entire university community. To determine the specific responsibilities of the chief executive, or for that matter anyone chosen to assist in such a project, no single source could be found in literature which could be classified as a definitive study. Several articles which were used, those of O'Neill (1972) and Fulmer (1974) in particular, did list a series of six to eight steps but the scope of this dissertation was significantly broader. An examination of literature that dealt with the role of the president as the ethical leader on campus was much more productive as was literature that reviewed management's role in the decision-making processes dealing with questions or situations which had ethical implications. Consequently, much extrapolation was necessary to arrive at specific statements that could be used as guidelines.

The first area of concern was to establish how codes have historically been introduced into organizations in order to determine where the responsibility for their implementation arises. The literature distinguishes between two sources for the impetus which provided for the

implementation, and perhaps the philosophy, for some codes of ethics. The sources may be classified simply as first, the executive fiat of the chief corporate officer, and secondly, the general consensus of an association's membership that a code is desirable. As an example, these figures extracted from a report sponsored by Ethics Resource Center in August, 1980, may be significant:

Among the corporate officers, Chief Executives Officers (41%) and other top level executives (22%) are mentioned most frequently as initiating the idea of a code of ethics. . . . Less than one corporate officer in ten names any other individual or group. (p. 21)

One-half (50%) of the association executives report that the members first brought the idea of a code to the attention of the association. Sixteen percent say an association executive was responsible. (p. 153)

When Agee (1978) spoke about the heightened concern for the moral and ethical positions of the corporate world, something of the Weberian philosophy that makes the executive fiat acceptable was evident: "First we made it clear, publicly and within the company, that we insisted on simple, unambiguous and uncompromising standards of honesty in our operations" (p. 19).

If one concedes that the educational establishment is a composite of both the corporate and associational mentality in its administrative functions, then the educational administrator must appreciate the nature of these two divergent types of organizations. Derek Bok (1982) apparently supports the concept that the university president does indeed participate in a role that recognizes this duality in

the educational organization's administrative decision-making process:

Unlike armies, corporations, and other hierarchical organizations, universities are communities in which authority is widely shared. . . . In this environment of shared authority, presidents and deans have limited, though significant power. (pp. 84-85)

Immediately following his assessment of executive power and the executive's power to influence other segments of the university, Bok cautions:

This obligation raises difficult issues both in defining the proper ethical standards and in deciding how to reconcile moral duties with the need to preserve institutional neutrality and academic freedom. (p. 85)

The guidelines acknowledge the president's role as not only the guiding force but the driving force that balances the corporate and associational influences in the university's organizational structure. Granting this position of presidential influence, the philosophical and practical forces evidenced in the guidelines come into focus.

Fortunately, literature has provided, particularly through Barnard's writings, basic criteria against which all the guidelines can be measured. Guidelines which recognize the dual role of the president's leadership are seen in the twofold obligation to make decisions that clearly differentiate between the judicious use of advice of others through cooperative processes and secondly the need to exemplify the ability to act on the basis of the unilateral authority vested in the office of the chief executive.

Kenneth Andrew in the introduction to the 30th anniversary edition of the Functions of the Executive, comments on

Barnard expertise:

His voice is still authoritative because his wisdom came from a combination of intellect and experience, of an inclination for systematic thought, and a generous exposure to responsibility and the necessity to achieve results through cooperation. (Barnard, 1971, p. xxxi)

The aptness of the four elements of thought contained in this quotation to serve as all-over criteria for a code or for standards of professional conduct is readily apparent. The criteria would be evidence of wisdom, of systematized thought, and of the facts that responsibility is called for and that cooperation will beget results. The catalytic element of leadership would of course encourage those designing a code to strive to make its guidelines measure up to the general criteria. In regard to leadership, Barnard (1971) advises that leadership has two aspects, the technical aspect and that commonly implied by the word "responsibility," "the quality which gives dependability and determination to human conduct, and foresight and ideality to purpose" (p. 260). Both aspects of this leadership will have to be employed by the chief administrator who attempts to undertake the project envisioned in this paper. Leadership of this quality is envisioned in the first several guidelines of the first section.

Codes of ethics strive to encourage "what ought to be done" and do not linger on "what is done." Hence, the leadership that seeks to create a device or mechanism to

improve the standards of administrative decisions will itself have to set the correct moral tone. Kimbrough and Nunnery (1976) allude to this same thought when they state that "being a top leader in an educational organization heightens the need to assume responsibility for moral behavior and judgment" (p. 486). They further illustrate the point by quoting Paul Appleby's recognition of the need for the leader to be morally responsible, from his work, Morality and Administration in Democratic Government.

For all the executive government and indeed for the political government as a whole, the obligation to support integrity is greatest on the President and on his staff, which partakes of his influence. The obligation is greatest at that point because any deviation there multiplies itself in levels below. Lower levels are more vulnerable, and on them there is a moral obligation in behalf of responsible government to bend to presidential guidance. (Kimbrough and Nunnery, 1976, p. 486)

Returning to Barnard, one might suggest that he stated the premier guideline underlying any attempt to resolve the problem addressed in this paper. "Finally, we shall consider the executive function of moral creativeness as the highest expression of responsibility" (1971, p. 261). Two elements emerge that will be pivotal in the creation of an institution's code of conduct as the procedural process progresses--leadership and cooperation. As we review the foundations from which the guidelines will emanate, it is important to recall from the introduction of this dissertation that in any major institution of higher education we deal with many levels of participation by people who

have a diversity of skills and those who have a diversity of interests. This diversity creates a uniqueness requiring institutions to set up a multiplicity of regulations to engender a harmonious unity among its constituencies as it seeks to fulfill its mission. In reference to the leadership and cooperation needed to bring about this harmonious unity, Barnard (1971) advises us that "cooperation, not leadership, is the creative process; but leadership is the indispensable fulminator of its forces" (p. 259).

That the chief executive exercises responsibility in the fulmination process is somewhat substantiated by the Ethics Resource Study, which found that in the corporate world the ideal for initiating a code of ethics was instigated by the chief executive officer in 41 percent of instances wherein one was adopted. On the other hand, in associations it was the membership which was most likely to bring up the idea of a code (p. 3).

One educational association which must remain unidentified did not have to concern itself with any developmental procedures to establish its code as it was created and implemented solely on the initiative of an executive director. To this day its membership dutifully subscribes to a code, blissfully unaware of its origin and lack of formal adoption! The guidelines being proposed would scrupulously avoid any such approach to their development or adoption.

Commenting on associational codes, the pivotal points of leadership and cooperation--to which reference has been made--are endorsed by Ivan Hill (1976):

Many associations have created codes of ethics beneficial to their own members and to the public, but too many have failed at establishing effective codes because they lacked courageous leadership. Their members didn't have faith in one another, in their product, and in their services. (p. xviii)

In the educational environment, the chief executive has neither the authoritative if not autocratic power of the corporate executive nor the symbolic authority of the director in an association. This is not to intimate that the authority of the corporate executive or the director in an association is misplaced or even unreasonable. What is implied is that the university executive must exercise the type of authority suggested in Mort and Ross (1957) as they describe the concept of "the criteria of flexibility." They speak of the necessity to appreciate an adaptability and stability which "reach down into the whole organism of the community, including administration" (p. 216). In context, the authors would not lessen the executive function to make authoritative decisions, but would express a concern for effective use of authority in the organization structure. They agree with those who view educational organizational structures as similar in many respects to those of the corporate world, but only similar.

As procedures were contemplated to bring about the institutional guidelines that would assist in the creation

of a code of ethics or an upgrading of the professional administrators' conduct of administrative affairs, emphasis was placed upon the role of the executive's participation in the process. Essentially, the desirable outcome of such an undertaking was to encourage the spirit of idealism in the decision-making process. In some instances, the expanding educational environment is making new demands upon its leadership and that means change. The simplistic solution is plainly stated by Ivan Hill (1976):

Our behavior patterns can be changed. The quickest and most effective way to change them is from the top. Everyone is implicated, but cultural changes filter from the top. (p. 17)

Expressing the same idea in terms that are more illustrative of the educator's perception of the chief executive's position, Knowles (1970) says that

the appointment or election of this officer is one of the most important decisions made by any governing board or authority responsible for governance because--and this is the central issue--it is the chief executive officer who must deal with the other administrative officers, faculty, and students to insure that the governance policies are carefully formulated and implemented on behalf of the welfare of the institution. (p. 1899)

Suffice it to say that the issue of how to resolve ethical questions, much less the adoption of an ethical code, is fraught with real and imagined obstacles (an initial guideline recognizes this thought).

Academic leaders are bound to encounter heavy criticism as they attempt to set an example of care and concern for ethical issues. However well intentioned presidents and deans may be, their efforts will usually fall far short of satisfying activist students and faculty. (Bok, 1982, p. 125)

Continuing in the same vein, Bok (1982) concluded:

Despite these problems there can be little doubt that such efforts are worth making. Granted, the positive results may be impossible to document. But the consequences of doing nothing are plainly intolerable. A university that refuses to take ethical dilemmas seriously violates its basic obligations to society. (p. 126)

As literature was reviewed for ideas, leads, advice, or observations that would aid in the development of the procedures to create guidelines to be used to develop a code of ethics, a recurring theme was found. Strother (1976) expounds upon it as he reviews Barnard's ideas relative to the priority that must be assigned to the study of executive morality. Why? Because of the conflicts that arise when one code's prescriptions run counter to those of another code. Discussing the president's role as the ethical leader on the campus, Walker (1981) writes,

We are dealing for the most part with sincere and dedicated people who quite genuinely share different perspectives on ethical behavior. It is the president's job to mediate and arrive at creative solutions. (p. 26)

Returning to Strother, we read:

Barnard caps his description of executive responsibility with the view that responsible conformity to a complex set of codes is not enough at the highest levels. . . . In this perspective, organizational moral is a manifestation of the success of the executive in creating commonly held codes within the organization. (1976, p. 16)

Strother then quotes Barnard (1971):

Organizations endure, however, in proportion to the breath of the morality by which they are governed. This is only to say that foresight, long purposes, high ideals are the basis for the persistence of cooperation. (p. 282)

Once again the pivotal point of leadership emerges, leading one to the inevitable conclusion that the role of the president is paramount to the success of any effort that an institution would undertake to establish a code or standards to be applicable to all. The office of the president bears the burden, ultimately, for seeing to it that the institution lives up to its stated mission or purpose. J. Wm. Wenrich (1980) focuses upon the chief executive's obligation and comments:

In view of the many hats the president must wear while functioning in an atmosphere of relativism and questioning of institutional values, ethical integrity must be the overriding principle of leadership. (p. 40)

Summarizing his thoughts in a series of conclusions, Barnard (1971) states on one instance:

The strategic factor in cooperation generally is leadership, which is the name for relatively high personal capacity for both technological attainments and moral complexity, combined with propensity for consistency in conformance to moral factors of the individual. (p. 288)

The strategic factor to which he refers establishes the basis for the linkage between the president's and the committee's responsibilities. The linkage pin is cooperation, and its application is rooted in the communication process that must be employed to achieve even a modicum of success in the creation of a code of ethics. For this reason guidelines that pertain to communication will have to be found in both presidential and committee responsibilities. To say that all forms of communication should be utilized by all involved in the project is nothing more than a principle of

good management. Gibson, Ivancevich and Donnelly (1979) see the added value of encouraging mutual trust:

We know that time pressures often negate the possibility that managers can follow up communication and encourage feedback or upward communication every time they communicate. Under such circumstances, an atmosphere of mutual confidence and trust between managers and their subordinates can facilitate communication. (p. 420)

As an example of the process of communication that must be in evidence is the need to advise the "public" of some of the special problems which must be dealt with by the university. Landis (1927/1972) notes three points that require attention because of their import of educational codes. To paraphrase his thought; because a large majority of those in the educational profession are public servants, organized protection is more necessary; high turnover of personnel demands protection for those who remain in the profession; and due to progress in setting standards, more effort is being made to achieve integrated organization and control over professional relations (pp. 94-95). These are just a few of the unique problems that Landis asserts must be dealt with.

Committee Responsibility

The value of the theoretical foundation for the president's choosing a committee and in turn, their broad search for talent is found in the thought of Chester Barnard. Commenting on his theories, Strother (1976) notes that the

organizational system itself "is conceived of as an open system whose survival depends not merely on the contributions of the people inside the organization, but also of those on the outside" (p. 19). Barnard made a distinction between organizational effectiveness and organizational efficiency; in his comments Strother points out the essence of Barnard's concept of efficiency as defined in inducement-contribution terms.

Efficiency . . . the essence of the concept being that participation in a cooperative system is a function of the inducements the organization offers in order to bring about the contributions of those who make up the total system. (p. 19)

The application of this theory takes on an added significance since Strother discusses it in the context of his article dealing with Barnard's beliefs on moral codes and executive responsibility.

Contributing to the notion that administrative leadership can be more effective by virtue of delegating responsibility, Griffiths (1959) comments:

If the administrator confines his behavior to making decisions on the decision-making process rather than making terminal decisions for the organization, his behavior will be more acceptable to his subordinates. (p. 90)

If the administrator perceives himself as the controller of the decision-making process, rather than the maker of the organization's decisions, the decisions will be more effective. (p. 91)

The first of these two ideas is important in the planning stage because it indicates to the committee that the administrator places confidence in their talents and expertise, thereby broadening the basis of support for the

project. In the second instance, it is the administrator who will ultimately get the credit for decisions that were made on a cooperative/corporative process; thereby providing what Griffiths would call a more effective decision.

Among the steps advocated by Fulmer (1974) for the establishment of a code, is a general principle that supports the cooperative nature of developing a code for an organization.

Participation brings support. Those who are governed by a code are much more likely to support the provisions if they have had a voice in its formulation. Although final decisions about company policy will be made by top management, representation of all segments within an organization should be asked to approve both the procedures and the content of a code at each stage of its development. (pp. 456-57)

While he maintains that codes should be tailor made, Fulmer (1974) counsels, "study what others have done" and "have more than one code-maker" (p. 458).

In the planning stages two advantages may be derived from the study of what others have accomplished in the formulation of previous codes. Namely, the saving of time and the information to be gained from the study of factors that may have contributed to the success or the failure of the various provisions contained in a given code. In her presentation of a case study highlighting the values stemming from the development and implementation of a code of ethics by the Direct Sellers Association, O'Neill (1972) made certain observations from which we may make several deductions. She sees the study of past problems as impor-

tant to the amelioration of those in the future, she notes:

We'll soon be able to isolate and categorize those problems which occur frequently and which are peculiar to certain commodities or methods of sales, thus helping members to find common solutions. (49)

This same trend of thought was gleaned from remarks of several of those interviewed; namely, what can be learned from the way problems were handled in the past? Their reply, study the problems, document the details, and interview those who participated in the decisions that had ethical overtones. Following in the same vein of thought, O'Neill sums up her advice in reference to study, "check other associations, perhaps in allied fields, for ideas, suggestions, factual information on failures and successes with their own or similar programs" (49).

As he proceeds to give advice on the teaching of ethics to those in professional education, Landis (1972) also encourages the study of present accomplishments:

What kinds of professional organization are in existence today? . . . for those organizations of most immediate concern, what are their structures, their objectives, the mechanisms of control, their codes (if any), the effectiveness of their control over professional relations? (p. 100)

While not disagreeing with O'Neill or Landis, Fulmer (1974) would caution, "borrowing ideas, however, is valid only if the activities, employees, and problems are similar." The advice he proffers to the executive may well be needed by the committee, "Don't do it all yourself." He suggests that

an executive usually has too many operating pressures to find the time to acquire extensive knowledge concerning the usual format and composition of codes. Consequently, outside assistance is often a very desirable investment. (p. 456)

A word of caution must be interjected, for while many university programs may not be affected by federal laws, the administration may want to insist that in those instances when federal law does apply to departmental projects, not only will governmental regulatory agencies be approached for guidelines, but the department will adhere to the spirit of the law as well as to the letter of the law. This distinction may not always be readily discernable, but when the intent of the spirit of the law can be clearly discerned, its observance will coincide with the intent of ethical ideals.

In reference to the appointment of a committee, Donald Walker (1979) indicates his view:

The symbolic role of the leader is important. As noted, the president of an institution can achieve satisfactory results from a committee where others have failed: this, not because of his superior skill or training but because of the authority of the office. (p. 149)

In Walker's mind therefore, the importance of the president's support is not to be under-estimated. Logic would strengthen the president's hand if in addition to the appointment of a committee, he would chose persons whose expertise was the foundation of their reputation rather than a choice based on title.

At this juncture the concept of competence and technical standards needs to be understood in two ways. Smith

(1973, p. 966) refers to the technical competence expected of the CPA, which leads one to conclude that in the first sense the guidelines must exemplify that its designers themselves give evidence of competence. In the second understanding, O'Neill (1972) can be used as a reference to illustrate how their association consulted with representatives of the Federal Trade Commission to insure that practices to be dealt with in their code did not violate standards practiced by other organizations subject to federal regulatory agencies. The implications of O'Neill's advice is the essence of the following advice:

Seek views of the Federal Trade Commission, other regulatory agencies. While they cannot sanction a particular program outright, they can get you on the right path to an effective code, avoiding possible antitrust implications. (p. 49)

Besides the advantage of inhouse experience which some of the committee membership would possess, credibility is increased by the addition of experts in other fields invited to join the committee or be retained in the role of advisor. Chief among those recommended as consultants is legal counsel. Harris (1978, p. 312) speaks of two objectives to be sought in structuring a code, namely, an analysis of existing legal principles and the interrelationship between law and morality. O'Neill, Knowles and Horn concur in what can be contributed by an outsider relative to legal matters. Before you begin, O'Neill (1972) advises, "retain legal counsel for assistance in setting up your program, even

though you do not use the services of legal counsel as a matter of course" (49). Given the code's provisions which may be subject to litigation, Knowles' (1970) reference to governance in higher education and university legislation has merit. He cites the difficulty raised because both administrators and lawyers know little of each other's problems and concludes, "that it is not surprising in such circumstances that university legislation is a much neglected field of law" (1901). While referring to the successful conclusion to their two-year undertaking to establish a code of ethics for the American Institute for Property and Liability Underwriters, Horn (1978) lists "outside counsel" as one of the four major components of their task force (90).

Since in many instances, the president will have not only to seek the concurrence of the board not only in the initial stage, but seek a favorable vote in the later stages, O'Neill (1972) observes: "make certain the individual who presents code proposals for Board approval is an enthusiastic, well-informed, respected member of the Board" (49). (He was speaking in the context of a corporate board, but the concept is just as valid when the president or a delegate approaches a university board.) Stogdill (1974) would also have the president court the board to gain a beneficial hearing and future support, "the leader who has enough influence with his superiors to obtain action in

accord with expectations he arouses in followers contributes to their satisfaction" (146).

Do not mislead the Board relative to funding code development and enforcement on a yearly basis would be O'Neill's admonition, Horn (1978) speaks in terms of the monetary benefits of professionalism that has its own price. Among these costs are the necessity for educating your personnel (p. 50), a vulnerability to professionalism liability in tort and the price of adhering to professional ethical standards (p. 51). As an added impetus to alert the Board to the cost of establishing and maintaining a code of ethics is an excerpt from an address of Clarence Walton (1979):

The complexity of the modern organization (including more demanding standards for ethical behavior by all organizational employees and changing judicial interpretation on what constitutes personal responsibility) has intensified the need for instruction in management ethics. (p. 31)

Practicality does demand that those involved in the planning for a code, do some research to evaluate costs for the implementation and enforcement of a code. Imperically, there is evidence that a survey conducted by the Ethics Resource Center that the cost of implementation and enforcement of a code is not significant according to 82% of 74 corporate officers. In response to what savings were realized by those who indicated the implementation and enforcement of a code resulted in saving, two of several responses are quoted from page 116.

Reduction of loss of public/client goodwill.

It is difficult to measure, but it is believed that cost savings have resulted in increased integrity in dealing with our suppliers. Also, in sensitive payments and political contribution areas, we have, we believe, minimized the risk of costs associated with violations of applicable statutes.

It is likely to have resulted in savings, but there is no way of estimating what might have been lost without the code.

Ethics by nature would eschew acceptance of whatever would de facto or per accidens constitute fraud. Keeping this thought in mind and also perusing current literature on self-regulation provides a source of further interest to those delegated to prepare the groundwork of a code of ethics to serve higher education. Two recent sources do not specifically relate the initiation of self-regulatory studies and proposals to the aims and objectives of ethical standards, but reading on the topic may lead one to infer that there is a relationship, and consequently the committee may want to explore the topic. Perhaps it is only benign neglect on the part of administrators to follow the law, but legislators are responding to the public's outcry for what may be euphemistically called "accountability."

Among those who have expressed concern, Derek Bok explores the problem and in the course of his examination of injustices that do exist he states; "it is true, of course, that rules to insure fairness may succeed in preventing a number of unwise and arbitrary acts on the part of universities" (pp. 57-58). In counterbalance he observes:

The point is simply that our colleges and universities have become a highly successful and valuable national asset, and we should therefore take care not to diminish their usefulness by burdening them with more and more restrictions. (p. 59)

The Carnegie Council's Report (1982) on the Control of the Campus echoes the philosophy of Barnard, that leadership is the key to:

. . . forcibly remind those within the academy that independence and self-governance can survive only if they are willing to shoulder the burden of making it not merely a matter of pious rhetoric, but a living, working reality. It must, in short, be leadership of vision and creativity that can defend the spirit of the academic enterprise. (89)

The thrust of these perceptions will be evidenced in some of the guidelines.

A final quote from the same Carnegie Report provides the transition to the next section which deals with the literature which supports the guidelines that pertain to the establishment of objectives and values.

Governance guidelines in themselves have no animating power. In its most authentic sense, governance is simply the process by which people pursue common ends and, in the process, breathe life into otherwise lifeless forms. (88).

Establishing Objectives and Values

Analysis, a fundamental procedure designed to provide national options based on the data available, is a process endorsed by administrative theorists. Horn (1978), following the example of Griffiths (1959) and Sears (1947) suggests that decisions need to be impregnated with a high degree of study directed toward the problem to be resolved.

Hence, in his own research, Horn (1978) kept in mind that the code being designed had to be for a specific profession and as a consequence its attributes would center around that understanding. Based on the rationale, Horn (1978) describes the process of establishing objectives and secondly, the attributes which would identify that code. He sums up the process in these statements:

Once the objectives had been formulated and approved, the next step was for the Ad Hoc Committee to translate the objectives into operational criteria that could be used to design a "good" code for Institute purposes. That is to say, a "good" code for institute purposes would have "attributes" that would enable the Institute to achieve its objectives satisfactorily. (p. 93)

It was Horn's reasoning that promoted a series of guidelines for the establishment of objectives and values for a code that would serve the interests of administrators in higher education.

Objectives

In this study the foundations upon which the guidelines for the objectives and values rest are twofold, the university's mission and also upon the purpose for which its code is instituted. Bok (1982) quotes Harold Taylor, exemplifying one perception of who exercises control:

The truth is that the university administrator, although hemmed in by a network of hidden controls, has two major sources of power--the decisions about how to spend the money in his budget and whom to appoint to do what he thinks needs to be done. His actual control over educational policy and the mission of the

university . . . lies in what he sets in motion by the persons he appoints. (Harold Taylor, Students without teachers, cited in Bok, D., 1982, p. 83)

The purpose for which a code is proposed for the use of administrators in higher education is included in the Statement of the Problems on page six of this dissertation; namely, "the need for standards of professional conduct in the university community and the need for some mechanism to assist in the resolution of ethical problems."

Landis (1927/1972) voices a concern which finds expression in several of the guidelines. He asks, "What is professionalism at its best?"; another question follows, "should there be 'defense articles' in a code of ethics-- efforts to build up group solidarity as well as efforts to make a greater contribution to society?" (p. 102). Immegart and Burroughs (1970) also advert to society's interest, "the public seems to put faith in such codes, of course, and wants guidelines of some type for its professions" (p. 36). They add to their remarks a similar thought expressed by Obenhaus (1965) ". . . in almost every chapter of a study reporting ethical issues in a number of occupations, the participants voiced their longing for ethical guidance in their particular vocational problems" (Victor Obenhaus, Ethics for an Industrial Age, cited in Immegart and Burroughs, 1970, p. 36-37). Sears (1950) recognized that the issue of ethics touched the sensitivities of the several segments of personnel who serve the educational profession

as well as the sensitivity of the public. He writes in reference to school administration:

If one is to judge by the provisions found in our educational codes he must infer that they arose out of necessity, their object being to provide standards for conduct touching matters upon which there had been frequent conflict, conflict which was harmful alike to morale within the profession and to the esteem in which the profession was held by the public. (p. 29)

In an indirect reference to academic freedom and also a concern for society, Landis (1927/1972) proposed,

if code making is to function more effectively, the following matters should be considered: Protection of profession as well as protection of the public should be frankly regarded as one of the primary objectives of the professional code. (xi)

Bok (1982) mentions "three basic principles that set limits on how far universities can go in responding collectively to society's needs" (p. 11). He upholds a primary concern for both faculty and administrators; his first principle endorses "the concept of academic freedom and the limits it places on the power of the universities to interfere with the freedom of scholars to think and write as they choose" (p 11). Supporting the same objectives that encourage the protection of academic freedom is the "Introduction" to the "Statement on Professional Ethics" found in the March, 1966, Bulletin of the American Association of University Professors; also, in the "Preamble" of the "Professional Standards for Administrators in Higher Education," published by the American Association of University Administrators in 1975.

Commenting on the Rules of Conduct for the American Institute of Certified Public Accountants, Willis Smith (1970) notes how the new rules improve not only the relationship with the public, but sees the advantages accruing to the colleagues of that particular profession. Fulmer (1974) is more to the point in citing inter-personal and inter-organizational benefits that can be had--hence, objectives to be sought.

We want to know what to expect from organizations, other individuals, and ourselves. For this reason, we demand organizational policies and consistent individual behavior. Ethics allows us the luxury of standardizing our expectations.
(p. 435)

Ivan Hill (1976) also contributes to this same trend of thought, including both peers and the public.

It is urgent that one peer set cooperates to strengthen the base of other peer sets. To be truly productive and self-enforceable, codes of ethics must be covenants of peers and public.
(p. 11)

An additional piece of advice follows, "those who concern themselves with ethics must develop a sense of reality, and those with perhaps too great a sense of reality must become far more concerned with ethics" (p. 11). One must conclude that even in the designing of the objective principles, something of the deal must flavor the thought processes.

Whether a code can serve to strengthen the organizational structure could be of concern to some administrators; its desirability, however, raises serious questions. Commenting on the classic study of Raymond Baumhart, S.J. in

1961 and changes in ethical problems as found in the updating of the study by Brenner and Molander in 1977, Fulmer (1974) notes:

. . . respondents complain most frequently of superior's pressure to support incorrect views, sign false documents, overlook superior's wrong doing, and do business with superior's friends. Employees do not seem as willing as they once were to accept instructions without question. This situation, whatever its explanation, does suggest a weakening of the corporate authority structure, and an attendant impact upon business conduct in the future. (p. 446)

In the concluding series of guidelines, the problem of code enforcement will be explored. Nevertheless, the topic does properly deserve one comment under this section dealing with objectives. Given what may be regarded by some as the vagarity of legal interpretation of law, or perhaps the reasons for recourse to law when one is rightly or wrongly accused, Horn (1978) provides guidance. He speaks to the purpose of a code's regulatory provisions:

[they] are designed to meet the constitutional requirements concerning due process of law, protect the rights of the accused, and meet other common-sense standards of decency and fairness, while at the same time making it possible to impose reasonable penalties upon those who violate specific Rules in the code. (p. 101)

As a closing caution to those undertaking the development of a code of ethics, Horn (1978) acknowledges that there are several approaches that can be taken to construct it; yet, the clarification of objectives is the over-riding and paramount feature of preparation. He observes, "one cannot meaningfully evaluate the quality of 'any' code

except in relation to specified and prioritized objectives" (p. 95).

Values

Reflecting upon the academic response to social issues related to research projects under the auspices of the university, Bok (1982) reflects: "as we have seen, ethical problems arise not only in choosing the methods of research, but in pondering the effects of the new knowledge that may ultimately result" (p. 188). Earlier, mindful of the university's unique role in society he wrote, "moreover, academic institutions have special reason for thinking about their social obligations that go beyond those of other organizations" (p. 10). Clearly, there is a duty on the part of the academic community to accept obligations once responsibilities are acknowledged.

The value of ethical training is certainly implicit in Bok's (1982) admission:

In addition, academic leaders have a responsibility to curb activities and programs that promise to violate generally accepted norms of society or to inflict unwarranted harm on others. This obligation raises difficult issues both in defining the proper ethical standards and in deciding how to reconcile such moral duties with the need to preserve institutional neutrality and academic freedom. (p. 85)

Although El-Khawas (1981) endorses ethical behavior based on voluntary efforts, her article entitled, "Self-Regulation: An Approach to Ethical Standards," does seem to imply that the university has definite responsibilities.

The responsibility for ethical behavior rests fundamentally with each institution. The "self" in self-regulation is the college--the individual institution. The national associations give advice and alert campus administrators to issues that are sensitive, but for questions about what a campus should do and who is responsible for decisions, each institution must rely on its own resources. (p. 59)

Furthermore, she supports the philosophy that the expertise of others has value:

To be effective, new policies or procedures, whether initiated by externally produced guidelines or not, must be incorporated into the existing fabric of campus life. Institutional commitment must exist if any voluntary statement of ethical practice is to have real meaning. (p. 60)

To study the issue of how ethical competence can be measured is not within the purview of this study, but if ethics is a competency that can be acquired then the use of an ethical code is distinctly advantageous. Fulmer (1974) is emphatic:

Of course a firm interested in attracting high-caliber employees must develop a reputation for ethical practices. At the same time, employees can expect consistent dealings from a firm with high standards and are more likely to enjoy an association with an employer of this type. Codes can provide evidence of a firm's ethical concern, strengthen the resolve of employees to be ethical, and also provide a source of coercion against ethical apathy. (p. 455)

Another view is that of Milesko-Pytel (1979):

It is seldom possible to force people into moral behavior. It is, however, possible to educate them, to inform them of the ethical issues that they encounter daily, so they have a rational basis for choosing a course of action. (p. 32)

The value of a code of ethics to the new employee should not be over-looked. According to a survey sponsored

by the Ethics Resource Center of Washington, D.C., nearly three-fourths of the corporate respondents were reported (p. 57) to utilized training and indoctrination programs to familiarize new employees with policy relative to ethical codes. Fulmer (1974) believes that, "from the standpoint of the new employee, written codes eliminate a great deal of the uncertainty often associated with job learning" (p. 455).

Guidelines for Formulating a Code of Ethics

A report on governance in higher education, Carnegie Council Report (1982), provides a philosophic basis which pervades the general intention of what the guidelines are expected to accomplish. Two statements from that document exemplify the philosophy: "governance guidelines in themselves have no animating power" (p. 88) and secondly,

it must be leadership that will forcibly remind those within the academy that independence and self-governance can survive only if they are willing to shoulder the burden of making it not merely a matter of pious rhetoric, but a living, working, reality. (p. 89)

In the same manner as other professionals who are administrators, the managerial nature of the chief administrators' duties in higher education require the harmonizing of many segments of personnel in the process of achieving institutional goals. Part of the harmonizing process requires the observance of ethical standards on the part of each segment of the organization--not merely on some levels.

Expertise is needed in management that is both creative and functional. Creative in the sense of being able to implement strategies that will correct areas of deficiencies because policy has not been implemented to ameliorate the situation, or because corrective policy has been ineffective due to some inadequacy that allowed lethargy to set in. One is led to conclude, that a sense of professional responsibility must be exercised in determining the intent--and justification--for each guideline. Horn's (1978) view is apt:

A sincere commitment to high ethical standards is an essential characteristic of every true profession. Indeed, this characteristic is a literal prerequisite. Without it, a profession would be little more than a way to earn a living. Surely a profession must be more than that, if it is to have meaning and purpose at all. (p. 9)

General Provisions

Both Smith (1973) and Horn (1978) describe the practice of dividing a code into sections, to serve the diverse needs of a given constituency. Generally speaking the introduction or preamble provides the rationale for the code's creation. Research will confirm that most codes--normative in nature--will establish principles, standards or canons, each followed by rules, descriptive examples of guidelines to provide the proper interpretation.

Typical of the thought of many in reference to the idealism that must permeate not only a philosophy, but the actions of those in higher education, is that of Mary Louise McBee (1980) when she writes:

If institutions of higher education are to become good examples of ethical behavior, we have some housekeeping chores to attend to. We must take a hard look at how we behave, what we emphasize, and what we ignore; and we must shorten the distance between what we preach and what we practice in several areas of higher education. (p. 5)

When corporate executives were asked to respond to the question, "was your code designed to ensure minimum acceptable standards or to promote the highest possible standards?" their reply was made a part of a study. In a Report of The Ethics Center, 1980, we read on page 17, that 81% responded that their code promoted the highest possible standards. Another representative example is section 6B-1.01,(3) of The State of Florida's Code of Ethics of the Education Profession in Florida:

Aware of the importance of maintaining the respect and confidence of one's colleagues, of students, of parents, and of other members of the community, the educator strives to achieve and sustain the highest degree of ethical conduct.

It is not the purpose of this study to determine what are the highest standards and to specify what philosophy should be utilized, but its purpose is to emphasize what the literature offers as advice to those interested in formulating a code. Proposing also that a code, a good code should "be educational and inspirational" (93), Horn (1978) warns that a distinction exists between professional and private life: a code, "be applicable to business and professional conduct (rather than personal conduct per se)" (94).

Common sense dictates that in any document that pre-
sumes to present regulations pertaining to behavior, a high
degree of sensitivity and preciseness will have to charac-
terize the language chosen to present authoritative dictums.
Nevertheless, a sectionalized code would alleviate some of
what could be labeled as "phantom obstacles." Fulmer (1974)
sees both internal and external organizational benefit that
can be ascribed to the development and implementation of a
code--hence that need for adequate language to promote these
benefits:

More than anything else, the code of ethics is
evidence on the part of the adopter. Interest in
ethical behavior intense enough to develop and
adopt a code brings subsidiary contributions to
all parties who have contact with the code or its
creator. (p. 454)

One concern that must be addressed, is the scope of a
code, O'Neill (1972) advances this opinion:

Don't attempt to cure every ill that ever
afflicted your industry all in one fell swoop.
Keep our code manageable. Concentrate your
initial energies and attention on those problems
complained about most frequently. (49)

With a greater degree of precision, O'Neill (1972, p. 49)
and Horn (1978, p. 98) caution that a code should not be
designed to settle policy dispute between companies or
settle personal disputes that would arise from such causes
as animosities. William May (1980), commenting on
professional ethics indirectly adverts to this possibility,
"only if faculty members and administrators see a more
interior connection between moral reflection and the
university's central mission will a path be found through

the secondary issues." Also in the context of professions and ethics, Beck (In Immegart and Burroughs, 1970) remarks appropriately, "self-control by members of the profession (colleague-control or peer-control) is normally preferable and/or superior to legal control by outsiders" (p. 47).

Landis (1927/1972) reminds the reader that a "large majority of those in the educational profession are public servants" (p. 94); experience confirms that this majority includes many segments of the university community. Jack Magarell writing in "The Chronicle" of May 24, 1976, touches upon at least one of the major issues--conflict of interest:

More than a score of states now have some kind of ethics code. In many of these states, public officials--including those in higher education--are constrained to avoid not only actual conflicts of interest but relationships that might appear to the public as possible conflicts of interest.
(p. 1)

Additional comments on what codes should include, by way of guidance to those responsible for its formulation are these. "At least eight corporate officers in ten report that the code deals with compliance with the law" (p. 13), concludes part of the report sponsored by the "Ethics Research Center" (1980), among some additional topics were: "honesty/integrity (81%), . . . bribery, (78%), . . . and confidentiality of corporate information (62%)." Helpful recommendations for guidelines stem from Harris (1978):

Although the code should go beyond law, the basic framework for ethical standards can be found in existing legal concepts. Fiduciary and equitable principles offer the most useful guidance, while percepts from securities, corporations, and agency law are also helpful. (p. 328)

Injecting once again the notion that principles have value, Knezevich (1970) wrote:

Every profession has to fill the breach between what is morally right and what simply satisfies the letter of the law. Professional behavior must be guided by recognized principles of practitioners for the status of the state or nation are often silent on what shall prevail in many sensitive and crucial matters. (p. 17)

Analyzing the issue of dilemmas faced by policy makers, Fleishmen and Payne (1980) concede that when they hold a public position, they have unique responsibilities:

If policymakers sometimes have extraordinary obligations to defend a view of the public interest, it is also true that they have an ordinary duty to analyze the values at stake in all the issues with which they are concerned. (p. 43)

Finally, in reference to strategies or mechanisms to help resolve dilemmas, Fleishmen and Payne (1980) might be paraphrased as saying; that since policy choices are often to be justified on the basis of coherent or even systematic principled positions, it follows that these positions themselves must be studied--and could themselves present a dilemma (p. 50).

Maintenance Provisions

The literature is unanimous in recommending that code must be updated, and designed so that the changes can be wrought with some degree of ease. "In framing your code, allow for amendment procedures," is among the tips O'Neill (1972) offers; continuing, "keep your program in tune with changing times" (p. 49). Only a few codes have been

successful says Landis (1927/1972), "the fact that codes of educators and of others frequently lie unrevised for long periods of time is usually an important reason for their ineffectiveness" (p. 98). A cogent reason for a code flexible enough to sustain changes is viewed by Fulmer (1974) as follows:

Ethical codes cannot be adopted and then forgotten. Periodic revision not only keeps the code up-to-date but will also maintain a sense of involvement on the part of employees or members, provided, of course, they have a voice in the revisions. (p. 457)

Lending support to the proposition that some type of an advisory board can be useful in advancing some of the objectives of a code, is the recommendation of the Carnegie Council's Report (1982)--"The Control of the Campus":

In addition to traditional academic concerns, special consultative bodies of faculty, administrators, and students should monitor campus performance in response to the new public accountability mandates-fiscal integrity, social justice and consumer protection. (p. 75)

Concurring in the value of a board offers this remark: "one of the most important functions of the Board of Ethical Inquiry is to facilitate voluntary compliance with the standards which are set forth in the Code of Professional Ethics" (Code of Professional Ethics of the American Institute for Property and Liability Underwriters, 1979.)

In reference to the inclusion of case studies in their code:

The hypothetical nature of the cases preserves the anonymity of inquirers and provides an efficient means of posing a wide variety of ethical questions and issues to which the "Code" may be applied. (p. 39)

While the need for an administrator to encourage compliance with the code seemed to be an implicit consensus of opinion among the authors reviewed, one example of an explicit move to create that position is cited. To indicate that more than lip service was desirable, the Direct Selling Association retained the services of Clarence T. Lindquist to be their code administrator in 1971 to emphasize their commitment to high ethical standards. Mr. Lindquist was formerly an administrator in the Wage and Hour Division of the Department of Labor (O'Neill, 1972, p. 47).

Enforcement Provisions

One can surmise from the authors cited thus far, that two schools of thought exist in reference to ethical codes and the idea of enforcement. Suffice it to say that some authors would be inclined to support codes that relied on voluntary compliance while others would endorse those that contained sanctionary provisions. In the latter case, enforcement would range from advisory--paternal like--admonitions to those that would delineate standards having more forceful disciplinary sanctions. For readers that would support voluntary compliance, this section of guidelines would be superfluous. This writer, while designing guidelines that include enforcement/sanction provisions, utilizes guidelines that demand a recognition of idealistic objectives which are at the heart of any good ethical code. On the other hand, guidelines must be phrased

in language that promotes the highest possible protection of rights--both individual and institutional--be accorded to the provisions of due process in the best legal sense.

Whether the enforcement provisions should be an integral part of the code itself, or an allied document having an equal status with the code, may be a moot point. One or both documents should not have a legal or quasi-legal status that would make revision or amendment processes unduly burdensome. This recommendation in no way implies a weakening of the status that should be accorded the university's code.

"Technique of social control" as defined by Landis (1927/1972): "refers to means used by leaders of organizations in securing acceptance and observance of ethical standards," he then adds, "education is regarded as one type of technique of social control" (ix). Fulmer (1974) suggests that:

Companies generally charge each employee's superior with the responsibility of seeing that he conducts himself in an ethical fashion. Sanctions generally are applied in terms of compensation, promotability, or job maintenance. (p. 457)

The close relationship between law and morality/ethics deserves special attention. The Carnegie Council Report, "The control of the Campus" (1982) cites an instance of a case that touched upon "the notion that courts should keep a 'hands off' [policy]" (p. 60) on some educationally related issues. "Nevertheless, we caution against permitting judicial deference to result in judicial abdication of a

responsibility entrusted to the courts by Congress" (p. 60). This is one of several delicate instances when the mind of the court could not have been anticipated. To be reminded of a thought that was mentioned earlier, the reader must be aware of the need to interpolate the mind of various authors in order to grasp--as it were--essential concepts that eventually will be used to formulate guidelines. This is especially true in order to appreciate the fine line that distinguishes the law and ethical provisions found in a code. Harris (1978) discusses this pivotal point:

In a jurisprudential sense, the interrelationship between law and morality can hardly be denied. The more interesting inquiry involves the degree to which, at any given time, popular conceptions of morality coincide with, or differ from, related legal principles. (p. 340)

Distinctly ad rem to the codifier are to directions given by Harris (1978): "further drafting guidance in the difficult area of morality can be found in the well known but evasive concept of 'reasonableness'" (p. 345). "Two legal theories may be helpful in crystallizing this concept of 'reasonable-ness'; he continues, "the 'reasonably prudent man rule' from tort law and the 'business judgment rule' from business and corporate law" (p. 345). The particular document from which these quotations of Harris were extracted was entitled, "Structuring a Workable Business Code of Ethics." This fact in no way minimizes the adaption of the basic principles he espouses, to the formulation of a code for use in higher education.

Ivan Hill (1976), in reference to the Schechter case, provides guidance in another vitally important direction:

It is important to note that the "Schechter" case stands "not" for the proposition that self-enforcement of codes of ethics is unconstitutional, but rather that any attempt to delegate legislative authority to establish criminal codes to a private group is not permissible. (p. 399)

He further clarifies the issue:

From this perspective, the "Schechter" case leaves open the issue of the extent to which a private organization may be empowered to enforce among its members provisions of substantive law through use of appropriate sanctions. (p. 399)

The fact that the university may deal with several unions may be of some concern in this instance.

Horn (1978) describes a number of concerns that should be treated in a code of ethics, several that should not be overlooked are: "grandfather clauses" (p. 96), knowingly to encourage unqualified or unethical persons to apply for a position in the organization (p. 97) and the last, almost overwhelming issue, "due process" (p. 101). In a reference to "due process," O'Neill (1972) discusses part of the procedure the Direct Selling Association undertook:

Aware of, and sensitive to, the potential legal problems that could arise from the adoption and enforcement of any kind of self-regulatory program, Bob Brouse called on Gerald E. Gilbert . . . to help deaft a modern and effective code of ethics (p. 45) . . . "it was proposed that the enforcement procedures provide the same degree of due process safeguards that would normally be required for an expulsion-type of enforcement measure" Mr. Gilbert points out. P. 47)

The obligation of the codifier transcends the written expression of "ethical ought to do," it includes the "what

is done." Kimbrough and Nunnery (1976) state the reality, "unless taken as a serious obligation and enforced by the profession, the expressions in a code of ethics are meaningless" (p. 474).

CHAPTER III
TENTATIVE GUIDELINES FOR A CODE OF ETHICS
AND REVIEW OF PILOT SURVEY

The literature reviewed in Chapter II provides the basis from which the tentative guidelines are drawn. In this chapter, two topics are presented to further the research relative to the establishment of guidelines that may be used by an institution of higher education to develop a code of ethics.

This chapter is divided into two sections, the first of which presents the tentative guideline preceded by the rationale upon which it is based. The rationale has been derived in a logical manner from the literature. The second section of the chapter reviews the pilot survey.

In the first section, the following divisions and subdivisions are used:

Guidelines for Planning a Code of Ethics

Executive responsibilities

Committee responsibilities

Guidelines for Establishing Objectives and Values

Objectives

Values

Guidelines for Formulating a Code of Ethics

General provisions

Maintenance provisions

Enforcement provisions.

Tentative Guidelines for a Code of Ethics

Guidelines for Planning a Code of Ethics

Executive responsibility. While the executive leadership of an institution does not reside in the president alone, the expressed concurrence of the authority of that office is paramount in any process that constitutes the implementation of a major policy. Furthermore, confidence is enhanced when there is a clear perception on the part of those to be affected, namely, that the chief administrative officer is aware of the magnitude of the undertaking and indicates a personal stake in its success.

1. The president should prepare a formal statement authorizing the development and implementation of a code of ethics. The statement should touch upon the following points:
 - a. Some of the unique aspects of the profession of education that prompted the decision to implement a code.
 - b. Ethical problems faced by various segments of the university community.
 - c. Objectives of the project.

- d. Values that may be expected to accrue to various segments as well as to the entire university community.
- e. An awareness of the project's inherent but not insurmountable difficulties.
- f. The firm confidence that the administration is placing in the abilities of those designated to undertake the project.
- g. The president's trust that the university community will cooperate.

The second and third guidelines emphasize the hierarchical nature of the institution's organizational structure and the value of both the recorded and spoken forms of communication. Both formal and informal modes of communication should be used to clarify organizational aims.

- 2. The commitment of the university's executive leadership to the development of the code must be unequivocal. Any supportive statements or documents used by the administration must employ language that reflects the priority assigned to the project.
- 3. The ordinary channels of authoritative communication should be utilized to stress the necessity for cooperation between the ad hoc committee and all segments of the university community. At the same time, other accepted forms of communication should be encouraged to further this end.

Credibility has taken on the form of a cliché but that does not lessen its profound import in dealing with matters that touch upon sensitive personal beliefs and practices. Hence, the need for persons whose credentials are impeccable.

4. The president should create a small ad hoc committee whose credentials possess qualities that will help to insure the project's success.

The fifth guideline augments and lends credence to the sincerity of the administration's commitment.

5. The president must guarantee that the committee will have access to the resources needed to expedite the project. These resources will include qualified personnel, the authority commensurate with their charge, and an adequate budget.

The following guidelines are designed to further involve the chief executive and evoke confidence in the pledge that support will be akin to mandated programs and expenditures.

6. The president in concert with the ad hoc committee should designate a temporary or a permanent chairperson.
7. The president must be aware of the fact that an ongoing commitment to the project is vital for the proper functioning and value for the code now and in the future. There must be provisions made for an annual budget.

Committee responsibility. The first guidelines affirms the position that, generally speaking, the guidelines should not be encumbered with admonitions except insofar as the

statements are used to emphasize particular concepts. In this instance, the guidelines are meant to forestall unwarranted criticism of the committee's procedures.

1. The committee would be well advised to organize and conduct its work in accordance with recognized procedures.

As implied, the second guideline is suggestive in nature but important enough to be amplified in guidelines three, four, and five.

2. The committee should commit itself to these or similar tasks:
 - a. Develop resources needed to make good decisions.
 - b. Utilize the current administrative structure to create the tentative divisions and subdivisions that might be an appropriate model for the code's structure.
 - c. Classify tentative standards and designate the divisions and subdivisions under which they might be placed.
 - d. Facilitate the enlargement of the committee and provide for its orientation.
 - e. Finalize the final drafts after the enlarged committee has completed its work.
 - f. Submit the final draft to the president and be prepared for the task of revision after the president submits it to a review committee of administrative personnel.

Practical methodology suggests that the committee expand to meet its needs. The growth pattern should be based on the involvement of others depending on their expertise and sufficiency of workloads. Too many persons with too little participation required spells disaster.

3. The committee should limit its expansion until effective cooperation necessitates the involvement of consultants and liaisons with the various segments of the university community.
4. The committee should outline a tentative model for the university's divisions and their related personnel.
(This model would serve as a starting point for the work of an enlarged committee whose task would be to refine and eventually finalize the draft to be submitted to the president).

Since the fifth guideline suggests a demanding but most essential and appropriate study, it should be undertaken at an early stage. The committee's work will not be constrained while this study is underway, but the information obtained will greatly facilitate decisions that deal with areas of concern that may be emphasized in other sections of the code. This study may very well contribute to the weight of emphasis that will encourage a certain simplicity regarding the kinds of problems to be dealt with in the code.

5. The committee should undertake a study of the institution's historic approach to the resolution of ethical issues and institutional practices relative to the maintenance of standards on all levels including the code for conduct for students.

The following questions may be useful to establish areas of priority:

- a. What problems have arisen and in what departments?
- b. With what frequency and with what severity were the problems encountered?
- c. What levels of administration were usually involved and who made the final decision (if actually made)?
- d. What degree of success or failure attended the decisions?
- e. What kinds of problems could have been anticipated and with what frequency could they have been anticipated?

Guidelines six through twelve will not only require the expansion of the committee but will also be the testing ground for the cooperative nature of those called upon to share in the project. For this reason, the guidelines are presented in a step by step approach. Decisions at this juncture will be among the most crucial of any that will confront the committee's leadership. Guidelines number eleven will take on its fullest import after the committee's leadership discerns the increasing complexity of its

assignment. It may see a value in creating stages of public awareness. The twelfth guideline's recommendations proceed along this same theme. Ordinarily, public relations projects would be undertaken in anticipation of what was to come. In this instance, the full force of public relations activities should build up as the overall project reaches its natural fullness of involvement with the university community.

6. The committee should elicit from each division and appropriate subdivisions copies of regulations and/or standards that currently apply to personnel in each area.
7. The committee should encourage cooperation by asking the various administrative divisions to review and then to submit their evaluations of current or proposed self-regulations emanating from professional organizations to which they or their members subscribe.
8. The committee should seek to identify from within the university circles as well as from professional literature issues that have begun to be of increasing concern to those responsible for university governance.
9. The committee should evaluate codes of ethics and professional standards endorsed by other professional organizations and state statutes. Where practical, it may be wise to adopt them in whole or in part to govern the appropriate division or subdivision.

10. The committee should determine whether the code should include the enforcement section or if it should be developed as an independent document.
11. The committee should undertake a planned public relations program to amplify the president's references to the value and objectives of the code's creation. The program must be orchestrated in such a way that the dissemination of educational material will lead to a more informed input when the active participation of the university community is solicited.
12. The committee should endorse an educational program that will:
 - a. Assuage the fear of those who perceive a code as having sinister objectives.
 - b. Build upon a person's trust that justice will be furthered.
 - c. Create an awareness that ethics will contribute to one's faith in the university's mission and similar ideas that will inculcate a desire to accept a code and to be responsive to its prescriptions.

The thrust of the next guideline is meant to encourage new members in such a way that they have a clear perception of the goals and objectives of the expanding committee. It would be self-defeating to have new members go through the process of, so to speak, reinventing the wheel of the committee's present pursuits.

13. The committee should provide an adequate orientation for those elected or designated to serve when the committee deems it prudent to enlarge itself.

Two reasons are suggested to recommend that auxiliary codes supplement a generalized code that is applicable on an institutional-wide basis. First, the generalized code will provide many aspects that need not be tailored to meet specific departmental issues, thereby providing an integrated set of standards. Second, the common thread of institutional standards will create a bonding element so necessary to the aspect of unity which is intended to benefit an institution's quest to exemplify its purpose--its mission statement.

14. The committee should endeavor to compose a tentative code of ethics whose prescriptions would have a universal application to all segments of the institution.

The last guideline of this section endorses the concept that a code of ethics can be more productive if it has the status of not only a formal policy but also if all who generally participate in such policy formation are again involved.

15. The final adoption of the code of ethics should follow the normal procedures for the implementation of any major policy.

Guidelines for Establishing Objectives and Values

Objectives. Having dealt with the problem of establishing guidelines to plan for the development of a code of ethics, it logically follows that an important step is to create a consensus of opinion relative to the ideals that must permeate the thought processes that will guide the committee's deliberations. The guidelines that follow have been designed to stress ideals based on objectives that cover a broad spectrum of consequential issues and, secondly, based on values whose merits are intended to encourage acceptance of a code.

To utilize objectives that are publicly endorsed as the philosophical basis of the institution's aims and goals and which only play important roles in the accreditation process is essential to the code's formation.

1. The code should seek to fulfill objectives of the university's mission statement.

In many instances, the essence of a code's purpose is to verify and promote the belief that a particular vocation has the status of a profession and as such deserves recognition. Secondly, the code is expected to maintain and advance professional standards.

2. The code should seek to protect and raise the professional status of the university's personnel.

Codes by their very nature create a kind of quasi-contract between the members of a profession and those to whom they are pledged to serve; hence, they thereby satisfy a basic

human need--the promotion of a mutually satisfying bond based on trust.

3. The code should seek to protect the public's invested trust and support of the university.

The delicate balance between academic freedom and the pressures of regulation, no matter from what quarter or under what guise, has traditionally inhibited some forms of employee-employer relationships, especially on the university level. Consequently, due recognition must be accorded to this situation.

4. The code should seek to protect academic freedom.

The following guidelines intend to create a proper perspective between real and apparent rights and obligations. It is essential that a code place a great deal of emphasis on justice and at the same time be pointed in the recognition that all parties must bear personal responsibility for their decisions.

5. The code should seek to guarantee justice through due process.

6. The code should seek to distinguish between personal and institutional rights and obligations.

To utilize the value of law, it must be perceived as the ultimate line that separates and protects its adherents from the turmoil that is created by those who would circumvent or wrongfully manipulate the law. The code can heighten the value of both written and spoken agreements, thereby sensitizing people to the value of honor.

7. The code should seek to support the integrity of contractual obligations.

Given the reasonable presumption that the organization's structure has been tailored to meet the ongoing needs of the institution, any influence exercised by regulatory norms or standards must contribute to the total well being of the operation. Systems will thrive only for as long as an element of fluidity enables them to adapt to their own peculiar environment. A good code meets this requirement.

8. A code should seek to strengthen the organizational structure.

Good principles of management require not only an element of freedom with regard to the judicious use of one's authority, but also organizationally sanctioned parameters within which to exercise this prerogative. The following guidelines lend weight to those principles.

9. A code should seek to expedite the decision-making process and to promote consistency in policy formulation.
10. The code should seek to provide a more effective basis for judgments relative to disciplinary action.

The next guideline is intended to amplify what may be implicit in several others, namely, the need for integrity on the part of those who bind themselves to better serve and further the institution's mission.

11. The code should seek to educate by stressing the values of knowing one's rights and responsibilities and the avoidance of ambiguity.

Values. The distinction between objectives and values to be used in the establishment of a code of ethics may not be readily apparent. But, in this study, value is used with the understanding that it has an intrinsic worth. Objectives are viewed as desirable goals. The two concepts are not mutually exclusive and every effort should be made to facilitate their compatibility. Nevertheless, the values presented in this study stand on their own merit and to the extent that a code adopts them the code's quality will be enriched.

Just as a university encourages, if not demands, the pursuit of knowledge in each academic discipline, so it must encourage, if not demand, the pursuit of whatever expertise its personnel needs. For this reason, the code must be designed to readily serve institutional demands.

1. A code should serve to stimulate interest in ethical principles and to encourage acquisition of expertise in this field of study.

There should be no major problem in defining what is meant by human dignity and human rights. The United Nation's charter is rather explicit and can be supported by a divergency of philosophical outlooks. However, the reiteration of what constitutes human dignity, rights, and

obligations should not be neglected in a document that recognizes and stresses value.

2. A code should serve to reinforce concepts that deal with human dignity and should uphold the priority of rights and obligations.

Guidelines three, four, and five deal with intangible qualities. While any organization may want employees to be of a caliber that appreciate ethics, to upgrade performance due to a commitment to ethics, and to find themselves rewarded because of the ethical climate within which they work, it is almost impossible to judge that the employees are of this type until performance and attitude confirm this to be the case. This desirable happenstance, however, is one of the values that can accrue to an institution that supports idealism in its philosophy of management and, as such, gives the basis for including these guidelines.

3. A code should serve to attract a better caliber of personnel.
4. A code should serve to upgrade the performance of an employee.
5. A code should serve to reinforce good behavior.

The professional administrator in the educational setting of a university--as in any other diversified organization--is not free to allow the "parts" to fluctuate in the fulfillment of their goals if the overriding of the good of the "whole" is jeopardized. The following guideline recognizes that principle.

6. The code should serve to convey a message of solidarity of the necessity for each segment of the university to contribute to the enrichment of the whole.

Designed to reinforce the previous guideline but adding its own special flavor, the following guideline notes the fact that organizational divisions tend to exhibit the human penchant of self-direction. This inclination is a value to be encouraged, given reasonable safeguards. It is taken for granted that departmental motives for self-regulation would be well intentioned and that the serving of the department's best interest would redound to that of the institution. Again, idealism should be encouraged.

7. The code should serve to encourage the various divisions or departments within the institution to voluntarily adopt self-regulation standards and statements regarding compliance. (These should be incorporated into the code of ethics as it pertains to their area in order to benefit from the sanctions provided by the code.)

The fact that one of the suggested values is viewed as having a strictly practical application in no way diminishes its contribution. The eighth guideline is a case in point. It provides an excellent method to sound out a perspective employee's outlook on the merits of honesty and the obligation to discipline one's self as well as one's disposition to accept a penalty for an infraction. The education process involves both the employee and the institutional

representative who assists in the orientation of new personnel or the continuing education of those who are on the payroll.

8. The code should serve as a device to be used in the indoctrination program for new employees.

Throughout the guidelines, there is an interplay between personal and institutional rights and obligations. The eighth guidelines highlighted the necessity of the individual to be aware of one's obligations; so too the code must acknowledge that the institution is bound by justice to accept similar obligations.

9. A code should serve to acknowledge that a program may have to be delayed or curtailed to preserve the integrity of the institution.

Among the problems endemic to the university is the widespread practice of hiring two or more members from the same family, often under a written or understood contractual agreement. Due to the sensitivity of managerial problems, this practice is usually avoided in many organizations and the university must take note of it and be judicious in its regulations. The institution's size does not insulate it from charges of nepotism; hence, an added reason for prudence.

10. The code should serve to insure that, in general, all segments of the university community and, in particular, the administration places the welfare of the institution above personal interests or the interests

of family members or others who may be personally involved in substantial affairs affecting the institution.

Guidelines for Formulating a Code of Ethics

General provisions. Following the planning and clarification of objectives and values to be sought, the next step in the procedures to develop a code of ethics is the presentation of recommendations for the formulation of a code.

For an accurate assessment of the role of the code and what is expected to ensue, an introduction must be composed in such a manner that unwarranted assumptions will be disposed of and that fears of what a code may beget will be allayed. At the same time, clear unadulterated statements must set the tone of the document of which the introduction is a part.

1. The code should contain a preamble that addresses itself to the nature, purpose, scope, and priorities of the code. The code should deal with standards and ethical norms that are normative in nature.

The code's foundation must have an intellectual justification to warrant respect and also provide substantive premises to strengthen the code's defense. Secondly, the individuality of the university deserve due recognition by way of the document's philosophical position. A customized code can provide this requirement.

2. The code should extract from the university's mission statement and appropriate state documents the basic principles that will underlie the philosophy upon which the code is formulated.

Based on the objectives and values recommended, the focus of the code is idealistic. It must go beyond the letter of the law, not in competitive conflict, but in harmony with the spirit of law which is the pursuit of justice fostered and invigorated by integrity.

3. The code should endeavor to promote the highest standards possible, rather than simply to insure minimum acceptable standards. A sense of idealism should permeate the document.

Codes of ethics designed for the use of a profession, a corporation, or an institution of learning must not be construed as being intended to legislate morality for its users. On the other hand, its precepts may very well reiterate laws that embody moral principles and at the same time contain statutory provisions for the prosecution of those who presume to violate them. This would be especially true if the precepts of the code were directly related to common law. Prudence dictates that this point be clarified in the introduction of the code.

4. The code should avoid any implication that its provisions apply to matters of personal conduct and morality except when such conduct in and of itself

constitutes an infraction of the provisions of the code.

The code should not be expected to provide a comprehensive commentary on each principle or statement of direction.

5. The code should be characterized by its simplicity--by its admission that its provisions are not meant to solve every issue that has arisen or will arise in the institution for which it has been designed.

The provisions of the sixth guideline are intended to encourage concise comprehensive statements. Any deficiency that could lead to ambiguity would in fact sabotage the reason for the code's existence.

6. The code should employ statements that are distinguished by their brevity, clarity, saliency, and accuracy.

To properly serve the educational establishment, a code must not only apply to a wide diversity of personnel whose services cover a broad range of activities but must also apply to the diversity of talent possessed by that same group of personnel. Any attempt to use a highly stylized form of language undermines the many canons that seek to create an effective and viable document. It would be an exercise in self-defeat if those for whom the code is intended were not, generally speaking, able to comprehend its import.

7. The code should utilize language that may be readily understood by the persons in each section to whom the code applies.

The two guidelines that follow represent the blending of strong but not necessarily opposing convictions and must be evaluated in conjunction with the three guidelines that immediately precede them. Those to whom the composition of the code is committed must not allow terminology--technical or otherwise--to subvert the code's intent. The essence of the code is to inculcate a spirit, encourage the ideal, and, if necessary, apply an appropriate censure to encourage compliance. Given the contribution that the judicial procedures can provide for both the individual and the institution if either must rely on the court's intervention, the aims, intents, and purposes of the code deserve protection. It follows, therefore, that justice can be served best if wisdom and prudence prevail in the choice of language used to strengthen the *raison d'être* for which a code is instituted.

8. The code should use legal, professional, and technical language where applicable but must not obfuscate the intent of the code.
9. The code should use legal concepts when counsel so advises but must avoid the inclination to view every precept as being subject to litigation.

Following upon the rationale for the several preceding guidelines, the necessity for the one that follows may be self-evident. Additionally, this section could also supplant, on a temporary basis, case studies which will contribute to the code's completeness. Since the code is to

be adapted to serve the needs of the university's several schools or departments, this guideline may take on an added importance.

10. The code should provide a section for definition of terms and phrases that may require clarification.

The guidelines recommend that provisions should be made for the various segments of the academic community. However, the project can be simplified if some parts are applicable to all segments. Based on this reasoning, the eleventh guidelines offers six possibilities which can serve as model divisions. The twelfth guideline amplifies the value of a sectionalized code to be tailored to meet its varying needs.

11. The code should be sectionalized as follows:

- (a) preamble, (b) general standards, (c) segment of the university to which specific standards apply, (d) enforcement provisions, (e) maintenance provisions, and (f) appropriate addenda.

12. The code should provide in each of its sectionalized versions some brief elaboration upon the code's value to that particular group and its related value to other groups that constitute the university community. (The object of this approach is intended to stress the corporate unity of the institution).

A code must avoid any wording that would allow it to be used as a weapon to resolve personal disputes or to involve the institution in matters that are extraneous to its mission.

13. The code should avoid any implication that the institution will become an intervenor or arbitrator in contractual or civil disputes among those bound by the code or with whomever they deal in matters that do not pertain to the institutional concerns.

Because many of the institution's employees are also state employees, they will be familiar with some statutes that may apply to their job category. Helpful though this may be, the code can serve as a excellent vehicle to adopt and utilize not only the letter of the law but also its spirit, as suggested in the following guideline. Conversely, when dealing with employees who are not bound by the various state statutes, the code can be supplemented by the norms of the fifteenth guideline.

14. The code should embrace statutes that apply to state employees when the nature of those statutes are explicitly or implicitly in reference to ethical standards and apply to their respective job categories.
15. The code should urge compliance with all applicable federal, state, and local laws.

The next five guidelines may elicit more attention than should rightly be accorded to them due either to the timeliness of the topic or to the notoriety that has attended various lawsuits. Nonetheless, it would be a grave mistake to avoid making explicit references to institutional policies, if such exist, in reference to the problems mentioned in these particular guidelines. If it is determined that

reason suggest that self-regulation is a laudable solution to some of the university's dilemmas, then every effort should be made to resolve them in this manner. Furthermore, if the code is able, as has been suggested, to serve as a device to enforce policy, then its formulation and use could be a most valuable asset in the functions of governance.

16. The code should allude to practices that are endemic to education, for example, grading, textbook sales, lobbying, undermining programs on or off campus, grants and other research contracts, "sunshine laws," violations of copyright laws, and contracts by personnel inimical to education.
17. The code should devote a significant section to policies pertaining to conflict of interest.
18. The code should provide reasonably explicit policies relative to discrimination on the basis of race, creed, national or ethnic origin, sex, age, or physical disability.
19. The code should avoid any terms, phrases, or statements that might be construed as being biased or prejudicial.
20. The code should deal with the issue of confidentiality relative to: (a) professional responsibility, (b) institutional responsibility, and (c) appropriate governmental statutes.

The guideline that follows is a recommendation that emanates from several quarters as noted in the review of literature.

Its acceptance may preclude undue alarm on the part of those who by reason of membership in these organizations already subscribe to a code of ethics. It would be simplistic on the part of the administration to presume that some would not view this guideline as an unholy ploy, but this undertaking must deal with the strengths as well as the weaknesses of the human condition.

21. The code should probably adopt in toto, in appropriate subdivisions, the provisions espoused by the American Association of University Professors and the American Association of University Administrators for those respective employees in the university.

The rationale which underlies the next guideline can be found in several approaches to the appreciation of the problem: (a) the acknowledgement of the increasing complexity of the university's obligations to research, society, and academic endeavors, (b) the awareness of pressure due to the factors of budgets, enrollments, and the dearth of qualified personnel, and (c) the increasing conflict experienced in governance predicated upon the emergence of strain caused by politics, external regulations, and exigencies of fund raising.

22. The code should provide for a mechanism that can be utilized when one is required to make a decision of an ethical nature and finds that one is faced with a dilemma or an apparent conflict, in conscience or otherwise.

Maintenance provisions. A pressing issue with which the committee will have to deal will be the relevance of the code to change. Fortunately, stability will be provided because of the institution's philosophy which most likely will be constant and the fact that sound principles were incorporated into the code. These reasons are in addition to the recommendation in the following guideline.

1. The code should contain provisions for an amendment procedure that is not cumbersome, allowing the code to be readily adaptable to changing circumstances.
(Periodic revision may be more desirable as it would keep the code up to date and would create a sense of involvement on the part of those participating in its revision.)

To support an effective commitment to a code, it is suggested that the creation of an advisory board be encouraged. Whether there is a need for a quorum to rule on issues may be a moot question. Suffice it to note that procedures must not encumber the provisions of the code or the values to be attained.

2. The code should provide for an advisory board to facilitate voluntary compliance with the standards by rendering opinions related to interpretation. (The board must have access to resources, including the budget, and authority to seek the expertise of outside experts.)

Justification for the next guideline is based upon the supposition that people have a natural interest in answers to questions that pertain to their employment, rights, and duties. Additionally, the wise administrator can make good use of such a process to effect desirable changes.

3. The code should list among the duties of the advisory board the collection and dissemination of opinions and case studies, hypothetical and otherwise. (This process will also contribute to the educational program that will stimulate a continued interest in a viable code.)

From the human point of view, people who are concerned about a question or problem related to their work, after having exhausted the normal channels of recourse, appreciate the possibility of one more avenue of appeal. For this reason, despite the inherent danger of superceding legitimate authority, a code administrator should be designated. (The code need not be overly detailed in the job description, if indeed that is where the duties are outlined.)

4. The code should make provisions for a code administrator who may be a member of the advisory board but should not be a member of the judiciary board. This person would serve as a liaison between the boards and those who might want assistance in resolving a question or grievance. This person represents the visible sign that the institution is interested in the aims of the code.

Enforcement provisions. The following guideline recognizes that there are cogent reasons for the two schools of thought relative to the incorporation of the enforcement provisions into the code or, on the other hand, to maintaining a separate document for these provisions.

1. The code should provide for a section that deals with enforcement procedures. In some instances, the code may mandate that an enforcement policy manual be an addendum. This separation may be determined on the basis of the ease with which one or the other is able to be amended.

As implied in a previous guideline, the code should be in harmony with common law and should not seek to contain any provisions that might be construed as being in conflict with legal statutes. The same advice is offered relative to sanctions, or the appearance that the code's provisions have the force of law in the legal sense.

2. The code should delineate sanctions but should not create its own code of law. These sanctions must give evidence that their intent is to be reasonable in the context of the alleged infraction. Discretion relative to the severity of the censure must be an objective. A code should avoid severe penalties whenever possible yet have sufficient "teeth" to make a code meaningful and worthwhile.

Psychologically and practically, from a managerial stance, the value of a code does not lie in the benefits to be gained by its use as an instrument of threat. A code represents a pledge to follow the ideal course of action. Therefore, its provisions should exemplify that same spirit of providing for the ideal.

3. The code should be distinguished on the basis of its procedural safeguards for due process. For all cases, the enforcement procedures will be best served if the same degree of due process safeguards are used that would normally be required for a dismissal/expulsion type of enforcement measure.

The fourth and fifth guidelines are offered in view of suggestions by the literature that firmly established practices cannot always be eliminated by fiat.

4. The code should indicate the degree to which its provisions apply to those currently associated with the institution, as opposed to those who are yet to be associated. (A type of "grandfather clause"--legal counsel may suggest additional safeguards.)
5. The code should indicate that those bound by its regulations should not encourage the promotion or the hiring of persons known to engage in practices which would violate the institution's code.

The remaining guidelines serve to remind those responsible for formulating the code that a degree of precision is necessary to clarify the provisions of the enforcement

section. Additionally, the ninth guideline is meant to simplify the revision or amendment process by not subjecting the code to the legal requirements that apply to university bylaws.

6. The code should be explicit in determining who is responsible for carrying out the enforcement procedures and the extent of their authority. (It may be determined that this is one of the duties of the code's administrator.)
7. The code should establish a judiciary board to conduct inquires, hold hearings, and render judgments upon the receipt of complaints that cannot seem to be resolved or that have not been satisfactorily resolved through normal lines of authority.
8. The code should fully describe the limits of the judicial board's competence and the limits of its authority.
9. The code should be endorsed by the university's bylaws, but should not become a part of that particular legal document.

Review of Pilot Survey

Introduction

The second phase of this study included the formulation of the tentative guidelines and a summary of their review by a select committee. The committee consisted of six members

whose experience included administration, research, and familiarity with state law. This author judged their expertise to be consistent with that needed to render an objective judgment relative to the content, clarity of expression, and format of the questionnaire. Collaborating in the review were members of the doctoral dissertation committee.

Review

There were two general recommendations that were incorporated into the revised questionnaire. The first pertained to the reduction in the number of pages; this suggestion was accomplished by making two changes in the format.

1. The large space below each guideline which allowed modifications to be written in was reduced and the checklist options were placed to the right side rather than below each guideline.
2. The utilization of the reduction capability of the xeroxing process by 25% also conserved space.

The second recommendation followed throughout the questionnaire was the elimination of repetitious wording that introduced many of the guidelines.

In several instances, words or phrases were changed to enhance clarity and, unless they radically changed the intent or constituted a major revision, no further references to these changes are made.

The tentative guidelines which numbered 78, including those that had two or more subdivisions, were divided under three headings. Each of these three were further divided under appropriate subheadings. The headings and subheadings appearing below are used as the outline under which the results of the pilot survey are summarized.

Guidelines for Planning a Code of Ethics

Executive responsibility

Committee responsibility

Guidelines for Establishing Objectives and Values

Objectives

Values

Guidelines for Formulating a Code of Ethics

General provisions

Maintenance provisions

Enforcement provisions

Guidelines for Planning a Code of Ethics

Executive responsibility. In this section, there were originally seven parts to the first guideline. A majority of the respondents questioned the need for including two of them; both have been deleted.

It was suggested that guidelines three and four be inverted; this was done.

Guideline six originally suggested that the president designate a temporary or permanent chairperson. The current

guideline recommends that "in concert with the ad hoc committee, the president should designate a chairperson."

Committee responsibility. The recommendation of a majority of respondents suggested the deletion of three guidelines and the placing of two guidelines in a different sequence; their advise was followed. Additionally, two modifications were made as follows. The first statement is the original; the second is the modification.

5. b) Utilize the current administrative structure to create the tentative divisions and subdivisions that might be an appropriate model for the code's structure.
5. b) The classification of tentative ethical standards and the designation of divisions and subdivisions under which they might be placed.
6. d) What degree of success or failure attended the decision?
6. d) How effective were the decisions in correcting the problem?

Guidelines for Establishing Objectives and Values

Objectives. The recommendation to reword guidelines three and four was implemented. The original guideline is followed by the revision.

3. The code should seek to protect the public's invested trust and support in the university.

3. To encourage all segments to protect the public's investment in the university.
4. The code should seek to protect academic freedom.
4. To use language that protects and promotes academic freedom.

The fifth guideline presently incorporates the essential elements previously contained in guidelines five, six, and seven.

5. To guarantee equity through due process, distinguish between personal and institutional rights and obligations, and support the integrity of contractual obligations.

Values. The original ten guidelines in this portion of the questionnaire have been reduced to seven by the deletion of one and the combining of three into one. Guideline number three now contains the essential element of guidelines formerly numbered four and five. The revision states:

3. The attraction of a better caliber of personnel, the upgrading of ethical performance, and the consequent reinforcement of desirable behavior.

Two members of the select committee collaborated in their recommendation that the original seventh guideline, now number five, raised a question. They asked, "if you have sanctions, must there not be more than voluntary compliance?" The original and revised versions follow.

7. The code should serve to encourage the various divisions or departments within the institution to

voluntarily adopt self-regulation standards and statements regarding compliance. (These should be incorporated into the code of ethics as it pertains to their area in order to benefit from the sanctions provided by the code.)

5. An increased awareness of the value of voluntarily adopting self-regulation standards and standards of compliance. (It may be advantageous for some departments to have these incorporated into the code as it pertains to their area. In this way, code sanctions would obtain.)

Because of the concern for voluntary and/or forced compliance to an ethical code, the revised version recommends that leeway be allowed. Two sources present current thought.

The Carnegie Report (1982) stopped short of suggesting that governance guidelines or self-governance itself can be enhanced by enforcement sanctions but implied that the university leadership should exercise that option.

It must be leadership that will forcibly remind those within the academy that independence and self-governance can survive only if they are willing to shoulder the burden of making it not merely a matter of pious rhetoric but a living, working reality. It must, in short, be leadership of vision and creativity that can define and defend the spirit of academic enterprise. (p. 89)

Fulmer (1974) is more to the point in the view of those who would want sanctions clearly defined. He quoted former Secretary of Commerce Luther Hodges: "A code that doesn't

provide for enforcement isn't worth the paper it's written on" (p. 457).

Guidelines for Formulating a Code of Ethics

General provisions. Three changes were made in this section, which eventually necessitated renumbering some of the guidelines. While not recommended, a reconsideration prompted the combination of the original sixth and seventh guidelines into one guideline which now reads:

6. Employ statements that are distinguished by their brevity, clarity, saliency, and accuracy. Utilize language that may be readily understood by the persons in each section to whom the code applies.

The twelfth guideline (formerly the thirteenth) was revised. Note that the word "not" was inadvertently omitted. It is underlined in the revised version.

- 13, The code should avoid any implication that the institution will become an intervenor or arbitrator in contractual or civil disputes among those bound by the code or with whom they deal in matters that pertain to institutional concerns.
12. Avoid any implication that the institution will become an intervenor or arbitrator in contractual or civil disputes among those bound by the code in matters that do not pertain to institutional concerns.

Again, for the sake of clarity and economy of words, the fourteenth and fifteenth guidelines were combined as were the eighteenth and nineteenth. They now read as follows:

13. Include statutes that apply to state employees, especially those of an explicit or implicit nature. Provisions of the code should also demand compliance with all applicable federal, state, and local laws.
16. Provide reasonably explicit policies relative to discrimination. Avoid terms, phrases, or statements that may be construed as being prejudiced.

Maintenance provisions. Modification of the second guideline was deemed advisable. The current version follows the previous version.

2. The code should provide for an advisory board to facilitate voluntary compliance with the standards by rendering opinions related to interpretation. (The board must have access to resources, including the budget, and authority to seek the expertise of outside experts.)
2. Provide for an advisory board to render opinions related to interpretation, therefore facilitating voluntary compliance with the standards. (The board must have access to resources, including the budget, and authority to seek the expertise of outside consultants.)

Enforcement provisions. Numbering in this section was changed to accommodate the interchanging of guidelines three and four. Within the parenthesis of the fifth guideline, reference is made to the term "grandfather clause." While the implication need not become controversial, one must recognize the concern of those who would avert to its implications. Hence, the administrator must be prepared to reconcile the traditional challenge of "change and custom." One cannot expect to hold new employees or employees in another area accountable for regulations not imposed upon those who would seek the shelter of the "grandfather clause;" on the other hand, how does one realistically revoke customary practices that are inimical to the code? Because of this concern on the part of some, this part of the fifth guideline was not deleted. Although minor changes appear in the revised versions of the seventh and eighth guidelines, the import is essentially the same.

Summary

The third chapter represents the second phase of this study, which included the formulation of tentative guidelines accompanied with a brief rationale, based on the pertinent literature and interviews. This phase also included a review of the pilot survey in which six persons participated as members of a select committee, chosen on the basis of their expertise in administration, research, and law. The object of their review was to determine the

validity of content, the clarity of statements, and the style of the format. Included in the review were the suggestions made by the members of the doctoral dissertation committee.

The final form of the questionnaire was prepared by the researcher. Incorporated were many of the suggestions offered by those who participated in the review. The revised questionnaire is found in Appendix A.

CHAPTER IV

RESULTS OF THE QUESTIONNAIRE AND ANALYSIS OF RESPONSES

The first section of the chapter discusses the distribution and collection of the questionnaire. The second section includes the results of the questionnaire and an analysis of the responses. The third section will contain a summary.

Distribution and Collection of Questionnaire

The Questionnaire

The revised guidelines, following the procedures discussed in the first chapter were hand delivered to the offices of those participating in the survey. The form of the questionnaire (see Appendix A) was designed to allow each member of the jury to indicate one of three options as their response. The options permitted the respondent to indicate if in their judgement the guideline should be retained, deleted or modified. If their choice indicated a modification was preferable, they were invited to write in their suggestions; comments were also welcome.

Expert Jury

The questionnaire was sent to all of the vice presidents and to three-fourths of the deans of the college chosen at random. The fifteen who voluntarily replied constituted a majority of the university's chief administrators, thereby fulfilling the number of respondents deemed sufficient to participate in the conceptual validation process. A review of the institutions granting doctoral degrees to these administrators reveals a broad spectrum of backgrounds. Approximately one-third matriculate at universities in the North mid-west, one-third in the Northeast, and one-third in Southeastern universities.

A jury composed of the university's major administrators was selected on the basis of the distinct probability that should an institution elect to develop a code of ethics, these administrators would assume the predominant share of the responsibility for the code's creation. Furthermore, as a body, these administrators by reason of office would be presumed to have the most comprehensive amount of knowledge concerning the university community's needs.

Conceptual Validation

Chapter I that a guideline would be considered as conceptually validated if there was a consensus of opinion that it should be retained. For the purposes of this study,

a consensus of opinion existed if three-quarters of the respondents concurred in the retention of a guideline. It was determined that twelve of the fifteen responses would represent three-quarters. To facilitate interpretation of the results a percentage figure was also used; a percentage of 80% would indicate that twelve jurors did indeed favor a given guideline.

Results and Analysis of Questionnaire

Guidelines for Planning Executive Responsibilities

Results of the Questionnaire. An examination of the responses for the seven guidelines proposed for the planning of a code of ethics, as related to "Executive Responsibilities" found in Table I, reveal that four of the five items included in the first guideline show a high rate of acceptance. The percentage indicates that thirteen or fourteen of the fifteen respondents concurred with the provisions of items (a.), (b.), (c.), and (d.). Only one item lacked conceptual validation since in the instance of (e.) six persons rejected it. A consistent percentage of responses for retention led to the conceptual validation of guidelines (2.), (3.), (4.), (5.), and (6.). The seventh guideline was rejected by four persons while two opted for modification and one person abstained.

Analysis of Responses. The responses indicate that there is general concurrence in the need for the president

to address the issues with a degree of specificity. Indirectly, the president is given the support necessary to act as the leading spokesperson to initiate the project. On the other hand, opinion is divided in reference to the president indicating publicly that difficulties may be expected. On this point the ballots of the vice presidents accurately reflect the majority opinion. Comprehensive summaries of the responses are found in Appendices C, D, and E.

The intent of the six subsequent guidelines was to emphasize definite commitments that would have to be made by the president. It can be noted that items (2.), (3.), (4.), (5.), and (6.) did receive a consensus of opinion, and that the two or three respondents who did not endorse the guidelines indicated a modification rather than a deletion. The high degree of support for these guidelines and most of the items in the first guideline give evidence that a majority of the university's administration view the president's role as one of leadership and appears to show a broad base of support for that position. Secondly, the administration seems to acknowledge the theories of "leadership activities" that underlie the composition of these guidelines.

The seventh guideline contained elements found in some of the preceding statements but did add the distinctive notion of an annual budget. Two of the respondents provided comments on their questionnaire, indicating that a code need only be created and its effectiveness should then rely on

TABLE 1. GUIDELINES FOR PLANNING A CODE OF ETHICS FOR AN INSTITUTION OF HIGHER EDUCATION

	Retain	Delete	Modify
<u>EXECUTIVE RESPONSIBILITIES</u>			
1. The president should prepare a formal statement authorizing the development and implementation of a code of ethics. The statement should include the following points:			
a. Some of the unique aspects of the profession of education that prompted the decision to implement a code.	93%	7%	
b. Ethical problems faced by various segments of the university community.	86%	7%	7%
c. Concrete objectives of the project.	93%	7%	
d. Benefits that may be expected to accrue to various segments as well as to the entire university community.	93%		7%
e. A recognition of the project's inherent, but not insurmountable difficulties.	60%	40%	
2. A long term commitment of the university's leadership to the development of the code must be unequivocal. Any supportive statements or documents used by the administration must employ language that reflects the priority assigned to the project.	86%	7%	7%
3. The president should create a small ad hoc committee whose credentials possess qualities that will help to insure the success of the project.	80%		20%
4. The ordinary channels of authoritative communication should be utilized to stress the necessity for cooperation between the ad hoc committee and all segments of the university	80%	7%	13%

TABLE 1. CONTINUED.

	Retain	Delete	Modify
community. At the same time, other accepted forms of communication should be encouraged to further this end.			
5. The president must guarantee that the committee will have access to the responses needed to expedite the project. These resources include the authority commensurate with their charge and an adequate budget.	80%		20%
6. In concert with the ad hoc committee, the president should designate a chairperson.	80%		13%
7. The president must be aware of the fact that an ongoing commitment to the project is vital for the proper functioning and value of the code now and for the future. There must be provision made for an annual budget.	53%	26%	13%

COMMITTEE RESPONSIBILITIES

1. The committee would be well advised to conduct their business in accord with recognized organizational and operational procedures.
2. Outline a tentative model for the university's divisions and their related personnel. (This model would serve to enable the ad hoc committee to envision the picture as a whole, and enable them to decide on the tentative size of the enlarged committee whose task would be to refine and eventually finalize the draft to be submitted to the president.)
3. Limit expansion of the committee until effective cooperation necessitates the involvement of consultants and liaisons with the various segments of the university community.

86%

7%

7%

TABLE 1. CONTINUED.

	Retain	Delete	Modify
4. Provide an adequate orientation for those elected or designated to serve when the committee deems it prudent to enlarge itself.	93%		7%
5. The committee should commit itself to these or similar tasks.			
a. The utilization of current administrative structures to create an appropriate model as a basis for the code's structure.	86%	7%.	7%
b. The classification of tentative ethical standards and the designation of divisions and sub-divisions under which they might be placed.	80%	7%	7%
c. Depending upon need, provide for the enlargement of the committee and for its orientation.	80%	13%	7%
d. Provide for the task of revision after the president submits it to a review committee of administrative personnel.	67%	13%	20%
6. Undertake a study of the institution's historic approach to the resolution of ethical issues and instructional practices relative to the maintenance of standards on all levels, including the code of conduct for students. The following questions may be useful to establish priorities.			
a. What problems have arisen and in what departments?	86%	7%	7%
b. With what frequency and with what severity were the problems encountered?	93%	7%	

TABLE 1. CONTINUED.

	Retain	Delete	Modify
c. What levels of administration were usually involved and who made the final decision? (If actually made.)	86%	7%	7%
d. How effective were these decisions in correcting the problem?	80%	7%	13%
e. What kinds of problems and with what frequency could they have been anticipated?	74%	13%	13%
7. Elicit from each department and appropriate sub-divisions copies of regulations and/or standards that currently apply to personnel in their respective areas.	86%		14%
8. Encourage cooperation by asking the various administrative officials from the different divisions to review and, then, to submit their evaluations of current or proposed self-regulations emanating from professional organizations to which they or their members subscribe.	86%	7%	7%
9. Identify from within university circles, as well as from professional literature, issues that have begun to be of increasing concern to those responsible for university governance.	100%		
10. Evaluate codes of ethics and professional standards endorsed by other professional organizations and state statutes. Where practical, it may be wise to adopt them in whole in part to govern the appropriate department or subdivisions.	86%	7%	7%
11. Determine whether the code should include the enforcement section or should that section be developed as an independent document.	80%	20%	

TABLE 1. CONTINUED.

	Retain	Delete	Modify
12. Undertake a planned public relations program to amplify the president's references to the benefits and the objectives of the code's creation. The program must be orchestrated in such a way that the dissemination of educational material will lead to a more informed input when the active participation of the university community is solicited.	67%	20%	13%
13. Endorse an educational program that will:			
a. Assuage the fear of those who perceive the code as having a sinister objective.	67%	20%	13%
b. Build upon a person's trust that justice will be furthered.	86%	7%	7%
c. Create an awareness that ethics will contribute to one's faith in the university's mission.	86%	7%	7%
14. The final adoption of the code of ethics should follow the normal procedures for the implementation of any major policy.	80%		20%

voluntary compliance. It should be noted that the percentages indicate that seven jurors wanted the guideline deleted, modified, and in one case no response was given. Upon further examination of their responses, four out of the same seven persons rejected most of the guidelines found in the section that deals with enforcement. This observation lends credence to the statements written on the two questionnaires, namely, that voluntary compliance is desirable.

Guideline for Planning Committee Responsibilities

Results of the Questionnaire. Fourteen guidelines comprise this section of the questionnaire found in Table 1, three of which include several items; they are numbered (5.), (6.), and (13.). Since twelve out of fifteen responses indicated that the guideline should be retained, the following were conceptually validated: guidelines numbered (1.), (2.), (3.), and (4.)--each of which received 80 percentage points or more. Guideline (5.) contained four items; of those, (a.), (b.), and (c.) received an endorsement sufficiently high enough to merit conceptual validation. Item (d.) was rejected by two persons while three others indicated a preference for modification, hence the percentage of 67 to retain the item was not sufficient to permit conceptual validation. A review of guideline (6.) shows that four of the five items can be identified as conceptually validated; they are (a.), (b.), (c.), and (d.).

Item was shy of the amount of preference to have the necessary percentage of 80; two responses indicated this item should be deleted while the remaining two would approve a modification. Table 1 gives evidence for the validation of guidelines (7.), (8.), (9.), (10.), and (11.). With the exception of (11.), three of the five were favored by thirteen of the fifteen members of the expert jury; guideline (9.) was accepted by all. The distribution of the percentages for guideline (12.) and item (a.) of guideline (13.) are such that neither can be considered validated. On the other hand, items (b.) and (c.) of guideline (13.) each received a percentage sufficient for conceptual validation. The last guideline in this section is approved since thirteen of fifteen persons recommended its retention--two favored modification.

Analysis. The preliminary guidelines for the use of the committee designated to prepare for the planning of a code of ethics were designed to address the tedious first steps of organizing its work. A review of the questionnaires based on the office held by the respondent and on the sequence in which the questionnaires were received indicate one of several patterns of reply; there may be some significance. In the instance of the first five guidelines, including four items in guideline (5.), all were unanimously conceptually validated by the first six respondents--a majority of whom were vice presidents. A conclusion that

can be drawn was that the more efficient the response, time wise, the greater the appreciation for detail; a characteristic of the concern in the first five guidelines. Worthy of note is an apparent inconsistency in the number of those who endorsed the concept of orientation in guideline (4.) but showed less preference in guideline (5.), item (c.).

A basic principle which espouses the theory that you first start working with the resources you have at hand before expanding your energies elsewhere, seems to have been substantiated in the responses to guidelines (6.) through (10.). Landis (1970) exemplified it in his approach to acquaint himself with what others had accomplished. He asks, "how may the experiences of these professional groups be applied by educators in the development of professional ethics?" (p. vii). To find a partial answer, he contacted more than 200 groups who had codes of one sort or another. A summary of responses confirms this concept--the encouragement to utilize local issues, departmental experience, inter-office resources, and talent. The highest support (100%) was given to the suggestion that historical experience be researched; and secondly, that current issues be evaluated (93%). These percentages apply to guidelines (9.) and (6b.), respectively. The panel of jurors, again supporting self-study, exemplified their beliefs by voting to retain two related items, (6a.) and (6c.) by a margin of 86%. By comparing items (6b.) and 6e.), one conclusion that

can be drawn would be that there is a preference to deal with de facto situations rather than "what could have been."

The high percentage of those indicating that guidelines (7.), (8.), and (9.) should be retained give support to the literature from which they were drawn. One of the best examples of that literature was produced by The American Council on Education in a series of bulletins entitled, Self-Regulation Initiatives: Guidelines for College and Universities (1979-81). They are designed to address problems in specific areas of concern; they have a distinctive "ethical flavor." Guideline (9.) which dealt with this precise point was endorsed unanimously, lending weight thereby to its relevancy to this study.

Guideline (11.) makes the first reference to enforcement; it is of particular concern to the committee which must plan a course of action; to deal with a controversial issue. This understanding was confirmed by the responses recorded from the section that suggested guidelines for enforcement and hence, it is a proper topic that requires attention early in the planning processes. The controversy is typified by a remark on one questionnaire that believes the enforcement of the code should depend upon the voluntary attitude of the individual. On the other hand, another vice president commented, "no enforcement, no code." His evaluation matched that of Fulmer (1974) who quoted Luther Hodges as having once said, "a code that doesn't provide for enforcement isn't worth the paper its written on" (p. 457).

In order to facilitate a better understanding and appreciation of what a code of ethics is and what purposes it can serve in the university setting, guidelines (12.), (13.), and (14.) were formulated; the reaction of the administrators is obviously mixed when the results of the questionnaire are studied. One respondent noted on the questionnaire that the guidelines seemed to be too administratively directed, that the code should be for the faculty. An examination of other responses from this individual indicated that enforcement provisions were entirely rejected except in the case of allowing the university by-laws to support, but not enforce, the code and also, the provision that supported due process was approved. (This support is on the basis that they either rejected one guideline or indicated that one guideline should be modified.)

Guidelines for Objective and Value--Objectives

Results of the Questionnaire. According to Table 2 the following guidelines are conceptually validated on the basis of at least thirteen or fourteen members of the jury indicating that they should be retained; they are (1.), (3.), (4.), (5.), (7.), and (9.). The second guideline received the support of eight persons, while five others rejected the guideline and two preferred a modification; therefore, the guideline is not conceptually validated. Table 2 reflects the percentages as 53%, 33%, and 14%,

TABLE 2. GUIDELINES FOR ESTABLISHING OBJECTIVES AND VALUES FOR A CODE OF ETHICS FOR AN INSTITUTION OF HIGHER EDUCATION.

OBJECTIVES			
	Retain	Delete	Modify
1. To fulfill the stated purpose of the University's Mission Statement.	86%	7%	7%
2. To protect and raise the professional competence of university personnel.	53%	33%	14%
3. To encourage all segments of the institution to protect the public's investment in the university.	93%	7%	
4. To use language that protects and promotes academic freedom.	86%	7%	7%
5. To guarantee equity through due process; distinguish between personal and institutional rights and obligations; and support the integrity of contractual commitments.	93%	7%	
6. To strengthen the organizational structure.	47%	53%	
7. To expedite the decision-making process and consistency in policy formulation.	86%	14%	
8. To provide a more effective basis for judgments relative to disciplinary action.	60%	27%	13%
9. To encourage personnel to understand the benefits of knowing one's responsibilities and one's obligations.	86%		

TABLE 2. CONTINUED.

VALUES

	Retain	Delete	Modify
1. The stimulation to appreciate ethical values and encouragement to acquire expertise in this field of study.	73%	13%	7%
2. The reinforcement of concepts of human value and human dignity.	93%	7%	
3. The attraction of a better caliber of personnel, the upgrading of ethical performance, and the consequent reinforcement of desirable behavior.	74%	13%	13%
4. The conveyance of a message of solidarity, that is, the necessity for each segment of the university to contribute to the enrichment of the whole.	60%	33%	7%
5. An increased awareness of the value of voluntarily adopting self-regulation standards and standards regarding compliance. (It may be advantageous for some departments to have these incorporated into the code as it pertains to their area. In this way, code sanctions would obtain.)	93%		7%
6. The assurance that all segments place the welfare of the institution above personal interests or the interest of family members or others who may be personally involved in substantial affairs affecting the institution, including not only fiscal transactions but any other matters affecting programs, personnel, or auxiliary enterprises.	93%		7%
7. Its usefulness in orientation programs for new employees.	86%	7%	7%

respectively. On the percentage basis, guideline (6.) also failed to be validated and the same applies to guideline (8.). The respective percentages in the case of each are: retention 47%, deletion 53%; and retention 60%, deletion 27% and modification 13%.

Analysis. An element of consistency is found in the endorsement of guideline (1.) in this section and guideline (13c.) of the preceding section. In each instance there is a recognition of the university's Mission Statement and the analysis of the questionnaires identified thirteen respondents choosing the same options in each case--twelve for retention and one for modification. This is one instance where guidelines are found in one section to be correlated with guidelines in another.

In the responses reviewed for guideline (2.), there is no discernible pattern. The impetus this guideline was supplied by Horn (1978), in a section entitled "Ethics Objectives" (pp. 90-93) emphasis is placed upon the value of education, screening of candidates, and maintenance of standards. Logic would lead one to believe that the ultimate purpose of the approach was to protect the profession by inviting qualified members who are also willing to meet high ethical standards, to membership in their organization. Nevertheless, the respondents did not seem to support this reasoning and consequently, gave the guideline an acceptance of only 53%.

Perhaps the respondents' support of the third guideline can be attributed to the demand for accountability, the Carnegie Foundation report, The Control of the Campus (1982) states:

In this report we have repeatedly called upon higher education to reaffirm and strengthen self regulation--not to isolate the campus from the large community--but because of the academic core in the one function the university may not lose without losing everything. (p. 71)

Upon reflection, one might wonder if the protection of the public's investment in the university (strongly endorsed), might not be furthered by raising the professional competence of university personnel (strongly rejected).

Bok (1982, p. 11) is among the authors who share a concern relative to regulation and the university's heritage of academic freedom. This same concern, expressed in guideline (4.) was exhibited by the administrators by virtue of an 86% response to retain this guideline.

Despite the fact that 93% of the respondents support the idea of due process as found in guideline (5.), there may be evidence of some slight discrepancy when guideline (4.) in the section dealing with enforcement provisions is examined. There one finds only 74% support in the application of the objective. This lack of support may be explained as due to the general reluctance of many to agree with the inclusion of enforcement guidelines in the code.

Perhaps an element of ambiguity could explain why guideline (6.) was rejected. Upon further reflection, the possibility of two interpretations is possible; the first

may view the code being used as a "weapon type" of authoritative power--power based on what Etzioni calls coercive power (1961, p. 3-5). An opposing point of view would be exemplified by Fulmer (1974) who would find an employee more at ease if he or she knew what to expect of an employer's organization. His philosophy would also apply to guideline (7.); he writes, "employees can expect consistent dealing from a firm with high standards and . . . with an employer of this type" (p. 455).

To obtain a high degree of objective information is desirable when one has an obligation to make judgments relative to an employee, no matter what the level is that he or she occupies in a given organization. Nor is there any reason to suggest that the outcome of the code which any given university would create would have provisions that could be used to evaluate an employee's behavior. None the less, unless a code could have some observable use or some demonstrable value it would seem to be a useless, but evidence supports the use of a code. One must therefore conclude that perhaps over a period of time, an employee's actions could be measured against code provisions. Evidently, this trend of thought was not in the mind of those who rejected guideline (8.) or else they would not find that line of reasoning convincing.

Guideline (9.), based upon several thoughts of Horn (1978, p. 91), received the support of all but two respondents. The others neither voted on the guideline nor did

they make any comments on their questionnaires. No significant pattern was found in their other responses to indicated why in this instance they both abstained.

Guidelines for Objectives and Values--Values

Results of the Questionnaire. Table 4 details each percentage associated with one of the three options respondents were able to exercise. The percentages allow for the conceptual validation four of the the seven guidelines. Those which have been validated are (2.), (5), (6.), and (7.). The tally for guidelines (1.) shows that eleven persons favored retention while two rejected it, one opted for modification, and one respondent abstained. Guideline (3.) also gained the support of eleven members of the jury; of those not in favor, two voted for deletion and the others indicated a preference for modification. The support accorded guideline (4.) was only 60%, 33% favored deletion and 7% represented the remaining juror who would modify the guideline.

Analysis of Responses. Guideline (1.) is based on the need to encourage education in the field of ethics, the lack of conceptual validation in the case of this guideline is evidence that the administrators do not view the situation in the same light as others. The 1981 issue of New Directions in Higher Education features as it running title, "Professional Ethics in University Administration," it represents one of many publications that encourages the

study of ethics, especially on the administrative level. Why the guideline was rejected is not readily apparent.

It would appear that guideline (2.) is conceptually validated on the basis of a self-evident concept. Guideline (7.) also found favor with the jury and received an endorsement of 86% which like the other percentages for this section is found in Table 3.

Guideline (3.) is directly related to guideline (2.) found in the section entitled Objectives; it also lacks conceptual validation; under that same title--Objectives, it would seem that guideline (9.) might also be associated with guideline (3.) in this section. It would seem that to upgrade one's ethical performance would be to fulfill the idea expressed in guideline (9.) just referred to. That guideline was conceptually validated by a score of 86%.

The sense of solidarity implied in guideline (4.) apparently does not seem to be of much concern among the members of the jury. For all practical purposes they confirm their belief when we examine their response to guideline (11.) found in a subsequent section as a General Provision guideline. This guideline mentions other groups that constitute the university community and also refers to a stressing of the organic unity of the institution. This guideline also lacks conceptual validation but it does show a sense of continuity in the perception of the administrators serving as jurors. It should be pointed out that the literature, at least on the surface, would not support the

TABLE 3. GUIDELINES FOR FORMULATING A CODE OF ETHICS FOR AN INSTITUTION OF HIGHER EDUCATION.

	Retain	Delete	Modify
<u>GENERAL PROVISIONS</u>			
1. Design a preamble that addresses itself to the nature, purpose, scope, and priorities of the code. The code should deal with standards or norms that are ethical in nature.	100%		
2. Extract from the University's Mission Statement and appropriate governmental documents, the basic philosophical principles upon which the code is to be formulated.	86%	7%	7%
3. Endeavor to promote high ideals rather than simply to insure minimum acceptable standards. A sense of idealism should permeate the document.	86%	7%	7%
4. Avoid any implication that its provisions apply to private ethical conduct except when such conduct constitutes an infraction of the provisions of the code.	86%	7%	7%
5. Be characterized by its simplicity, by its admission that its provisions are not meant to solve every issue that has or will arise in the institution for which it has been designed.	86%	7%	7%
6. Employ statements that are distinguished by their brevity, clarity, saliency and accuracy. Utilize language that may be readily understood by the persons in each section to whom the code applies.	93%	7%	
7. Use legal, professional, and technical language only when necessary, but do not allow it to obfuscate the intent of the code.	93%	7%	

TABLE 3. CONTINUED.

	Retain	Delete	Modify
8. Use legal concepts when counsel so advises, but avoid the inclination to view every precept as being subject to possible litigation.	80%	13%	7%
9. Provide a section for definition of terms and phrases that may require clarification.	80%	13%	
10. Sectionalize the code: a) preamble, b) general standards, c) segment of the University to which its specific standards apply, d) enforcement provisions, 3) maintenance provisions, and f) appropriate addenda.	74%	13%	13%
11. Provide in the introduction of each section some brief elaboration upon the code's benefit to that particular group, and its related value to other groups that constitute the university community. The object of this approach is intended to stress the organic unity of the institution.	73%	27%	
12. Avoid any implication that the institution will become an intervenor or arbitrator in contractual or civil disputes among those bound by the code in matters that do not pertain to institutional concerns.	93%	7%	
13. Include statutes that apply to state employees, especially those of an explicit or implicit ethical nature. Provisions of the code should also demand compliance with all applicable federal, state and local laws.	80%	20%	
14. Include matters that are endemic to education. (For example: grading, textbook sales, lobbying--undermining programs on and off campus, grants from firms or other research contracts that are inimical to education, "sunshine laws," and copyright infringements.	86%		14%

TABLE 3. CONTINUED.

	Retain	Delete	Modify
15. Devote a significant section to policies pertaining to conflict of interest.	86%		14%
16. Provide reasonably explicit policies relative to discrimination. Avoid terms, phrases or statements that may be construed as being prejudicial.	93%	7%	
17. Deal with the issue of confidentiality relative to: a) professional responsibilities, b) institutional responsibilities and c) appropriate governmental statutes.	93%		7%
18. The code should adopt, probably in toto--in the appropriate sub-divisions, the provisions espoused by the A.A.U.P. and the A.A.U.A. for those respective employees of the institution.	47%	33%	20%
19. Provide for a mechanism that can be utilized when one is required to make a decision of an ethical nature and finds that they are faced with a dilemma or an apparent conflict. The complexity of managerial decision making puts undue pressure on those who have not had the opportunity to study ethics.	86%	14%	

MAINTENANCE PROVISIONS

- | | | |
|--|-----|----|
| 1. Provide for an amendment procedure that is not cumbersome, allowing the code to be readily adaptable to changing circumstances. (Periodic revision may be more desirable; it will keep the code up-to-date and create a sense of involvement on the part of those participating.) | 93% | 7% |
|--|-----|----|

TABLE 3. CONTINUED.

	Retain	Delete	Modify
2. Provide for an Advisory Board to render opinions related to interpretation, thereby facilitating voluntary compliance with the standards. (The Board must have access to resources including the budget, and authority to seek the expertise of outside consultants.)	60%	40%	
3. List among the duties of the Advisory Board the collection and dissemination of opinions and case studies. (This process will also contribute to the educational program that will stimulate a continued interest in a viable code.)	60%	40%	
4. Make provision for a Code Administrator who may also serve on the Advisory Board. This person would serve as the liaison between the Board and those who want assistance to resolve a question or a grievance. This person represents the visible sign that the institution is committed to the aims of the code.	47%	40%	13%

ENFORCEMENT PROVISIONS

1. Provide for a section that deals with enforcement procedures. In some instances the code may mandate that an enforcement policy manual be an addenda or a separate document. This separation may be determined on the basis of the ease with which one or the other is able to be amended.
2. Delineate sanctions but do not allow these to supersede civil law. Sanctions must give evidence that the intent is to be reasonable in the context of the alleged infraction. Discretion, relative to the severity of the censure must be the objective. A code should avoid severe penalties whenever possible; yet it should have sufficient "teeth" to make a code meaningful and worthwhile.

60%	33%	7%
60%	33%	7%

TABLE 3. CONTINUED.

	Retain	Delete	Modify
3. Allow the University's Bylaws to endorse a code of ethics but do not permit them to become a part of that particular document.	53%	33%	7%
4. Procedural safeguards for due process should distinguish this section of the code. For all cases, the enforcement procedures will be best served if the same degree of due process safeguards are used that would normally be required for a dismissal/expulsion type of enforcement measure.	74%	13%	13%
5. Indicate the degree to which provisions apply to those currently associated with the institution, as opposed to those who are yet to be associated. ("Grandfather clauses" will cause complications, even though there may be reasons to suggest that they be considered.)	67%	27%	14%
6. Indicate that those bound by the code should not encourage the promotion or hiring of persons known to engage in practices which would violate the institution's standards.	53%	47%	
7. Be explicit in determining who is responsible for carrying out the enforcement procedures and the extent of their authority. (It may be determined that this is one of the duties that should be assigned to the Code Administrator, the subsequent provision may also be considered.)	74%	26%	
8. Establish a Judiciary Board to conduct inquiries, hold hearings, and render judgment upon the receipt of complaints that cannot seem to be resolved through normal lines of authority. (These persons may be called upon to meet at the request of the Advisory Board.)	60%	33%	7%

TABLE 3. CONTINUED.

	Retain	Delete	Modify
9. Clearly define the composition and limits of the Judicial Board's competence and authority.	67%	33%	

seeming lack of interest in a project designed to unify the many levels of personnel found on the university campus.

The support given to guideline (5.) is in concurrence with the favorable response accorded to guideline (8.). A review of guideline (8.) is found in the section devoted to Committee Responsibilities.

Guideline (6.) as in the case of two other guidelines in this section received the endorsement of fourteen of the fifteen jurors. In turn, the intent of this guideline is based on the need to deal with the issue of conflict of interest. Guideline (15.) in the following section, dealing with general provision for formulating a code, received a favorable percentage of 86%. This fact may, in the mind of some, complicate the analysis of guideline (4.) in this section as it relates to guideline (6.) being discussed; it would seem that (4.) exemplifies the intent of (6.).

Guidelines for Formulation--General Provisions.

Results of the Questionnaire. Table 3 shows that of the 19 guidelines that comprise this section, 16 of them were conceptually validated, indicating that at least 12 of the 15 jurors voted to retain the guideline. Three guidelines were not conceptually validated; the only instance of an abstention of a ballot for one of the guidelines was in the case of (9.) and that did not affect its conceptual validation. A review of the percentages assigned to each guideline will reveal that (1.) was given

100%; guidelines (6.), (7.), (12.), (16.), and (17.) were endorsed by 14 of the 15 jurors and as a consequence were listed as getting 93%. A percentage of 86% or 80% was the result for guidelines (2.), (3.), (4.), (5.), (8.), (9.), (13.), (14.), (15.), and (19.). Among the three guidelines rejected, (10.) and (11.) were each shy of one vote for acceptance. Guideline (18.) was endorsed by less than 50% while for the same guideline, the percentage for modification was 20%.

Analysis of Responses. The practical aspect of guideline (1.) was self-evident and elicited the complete support of the jury. The relationship between guidelines (2.) and (3.) is rather close; both were conceptually validated. The reason for the validation may be confirmed when compared to guideline (1.) from the previous section dealing with "Objectives" and also guideline (5.) under the title of "Values."

In the case of guideline (4.) a note of clarification may be in order. There are occasions when private conduct is subject to disciplinary action on the part of an institution; however, such action would be subject to the provisions of common law. (Moral turpitude is an example.) A code may want to acknowledge this observation.

The inter-related guidelines (5. through 10.) were not supported by an absolute consistency in the pattern of responses for approval, nevertheless, all but (10.) were conceptually validated. A key to the reason for the

rejection of (10.) may be the inclusion of the phrases "specific standards" and "enforcement provision." On one questionnaire the two phrases were circled and on another, the latter phrase was crossed out. The general agreement of the jury certainly reaffirmed the literature that dealt with this area.

The pattern of results for guideline (11.) coincide with similar guidelines that have as their purpose, an educational/public relations objective. A specific example is found in the rejection of guideline (12.) in the section that treats of Committee Responsibilities.

Guideline (12.) through (19.), with the exception of (18.), deal with issues that would have a more blanket application to the various segments of the university community than does (18.). Confirmation of this point would seem to be apparent from an analysis of the questionnaires (see Appendices C, D, and E and Table 4). The vice presidents with one exception--that vote being for modification, voted to retain guideline (18.). Perhaps the broader administrative responsibilities of their office influenced their decision. The conceptual validation of the guidelines through this section dealing with "General Provisions" did not, however, follow this same pattern; and yet, the figures show that a majority of the vice presidents did for the most part validate all 19 guidelines (see Appendix C). Fulmer's (1974) admonition might be heeded: "advocates of professionalism for management must, of course, unite their

constituency behind a code before their goal can be achieved" (p. 456). Among the deans, five questionnaires did show a pattern of 93% acceptance of these same 19 guidelines. The topic of decision-making and ethical dilemmas is mentioned in guideline (19.) and reflects the same idea contained in guideline (7.) from the section entitled "Objectives." Their acceptance in both sections suggests an indirect support of the respondents' judgment.

An examination of the questionnaires does confirm the percentage of endorsement for guidelines (18.). A lack of comments on the questionnaires makes it difficult to offer any kind of a comprehensive assessment of this guideline. The literature, however, does suggest that when practical, applicable sections from other codes should be utilized; Fulmer (1974, p. 456) is representative of this school of thought.

Guidelines for Formulation--Maintenance Provisions

Results of the Questionnaire. The first of the four guidelines that comprise this section reflects the notation in Table 3 that guideline (1.) is conceptually validated. The three subsequent guidelines were not conceptually validated; the percentage favoring retention fell below the required 80%. Guideline 4 received only 47% of juror support.

Analysis of the Responses. A major contribution that the conceptual validation of guideline (1.) can make to this

study is the indirect assertion that a code can work. It should be noted that guideline (1.) offered an option, periodic revision or a procedure that can be operative at any time. Reviewing jointly guidelines (2.), (3.), and (4.), it can be surmised that less desirable than an Advisory Board would be a Code Administrator. Perhaps more than any other guideline, the sentiments of (4.) elicited the most written-in comments on the questionnaire. A well written code would supplant any need for a Board was the thrust of one remark, two jurors agreed that another administrator would be superfluous. A positive note can be drawn from the viewpoints of the respondents, and supported by their choice of options, is that some form of "maintenance" of a code is desirable--but certainly not in the form of a Board.

Guidelines for Formulation--Enforcement Provisions.

Response to the Questionnaire. In this section of the questionnaire, no guidelines were conceptually validated. Guidelines (4.) and (7.) received an acceptance rating of 74%, while guidelines (1.), (2.), (5.), (8.), and (9.) were in the 60% to 68% range. Guidelines (3.) and (6.) were accorded a figure of 53%.

Analysis of Responses. The unanimous opinion of the respondents was that none of the guidelines in this section should be conceptually validated; replies seem to fit no particular pattern. A review of the consistency of

responses (see Table 4) reveals that in general, five jurors agreed across the board to retain all of the enforcement guidelines while another four agreed that enforcement was not desirable. Such a pattern as definitive as this, is not readily appar-

ent in any other section. Guideline (4.) referred to "due process" which in the section on Objectives, was found to receive a favorable response--guideline (5.), 93%; there may not be enough reason to compare the two guidelines.

It may be of some consequence to recognize that in the section entitled, "Maintenance Provisions," guidelines (4.) was soundly rejected. If there was some prejudice in that regard (a code administrator), it did not manifest itself in guideline (7.) of this section. Another conclusion that can be drawn from the responses, albeit tenuous, is that there was a fraction more support for a Judicial Board than for an Advisory Board. (Compare guideline (8.) in this section with guideline (2.) in the previous section--"Maintenance Provisions.")

Summary

This chapter presents the results of a survey by a questionnaire designed to serve as a part of the conceptual validation process. The guidelines were reviewed by a panel of experts, all of whom held administrative positions in a university chosen to be representative of an institution of higher education. Fifty-five of 82 guidelines were

conceptually validated on the basis of an endorsement sufficient to constitute a consensus of opinion, the requirements for which had been predetermined.

CHAPTER V

SUMMARY, CONCLUSIONS AND IMPLICATIONS, RECOMMENDATIONS

This chapter is divided into three sections: a summary of the study, conclusions and implications based on an analysis of responses from the questionnaire, and recommendations for further research.

Summary

The purpose of this study was to develop conceptually validated guidelines that could be used by an institution of higher education to establish procedures for the development of ethics to serve the needs of the university community. The study was divided into four phases: a review of pertinent literature and an evaluation of suggestions received during interviews, the formulation of tentative guidelines and their review by a select committee, the selection of a jury and the collection of the conceptually validated responses, and an analysis of information from the questionnaires returned by the panel of jurors.

The guidelines were divided into three divisions based on the researched data. The divisions and sub-divisions are:

Guidelines for Planning a Code of Ethics

Executive Responsibilities

Committee Responsibilities

Guidelines for Establishing Objectives and Values

Objectives

Values

Guidelines for Formulating a Code of Ethics

General Provisions

Maintenance Provisions

Enforcement Provisions

This study included a review of literature from which the guidelines were derived. The guidelines were presented in the form of a questionnaire to a select committee of five and to members of the dissertation committee. Their suggestions and comments relative to content, clarity, and format were incorporated into the final form of the guideline questionnaire which is appended to this study in Appendix A.

The jury was asked to select one of three options in reference to each guideline: reject, delete, or modify. The jury was also invited to suggest modifications or make any comments they deemed appropriate.

A jury, comprised of fifteen members, participated in the conceptual validation process. Its membership represented a majority of the vice presidents and Deans of Colleges at a state university, the University of Florida.

Conceptual validation of each guideline, predicated on a consensus of opinion, was based on the endorsement of the guideline by three-fourths of the members of the jury. For graphic representation, a percentage of 80% indicated a consensus of opinion. (Each juror's choice of an option equals approximately 7%.)

Following the conceptual validation procedure, a review of the results of the questionnaire and an analysis of the responses was made. Included are tables which contain the guidelines, each of which have the percentages listed that correspond to the respondents' choice of the available options. The guidelines are organized under the titles and sub-titles used on the final form of the questionnaire (see Appendix A). Appendix B includes the cover letter and the page of instruction and accompanied each questionnaire.

Conclusions and Implications

The evidence produced by this study seems to support the three sets of guidelines that were designed to resolve the problem identified as the object of this writer's research. The conceptual validation of a substantial number of the guidelines indicates the achievement of a modicum of success.

The guidelines proposed for the planning stages, which addressed both executive and committee responsibilities, received an endorsement of approximately 82%. Additionally,

in reviewing the guidelines that pertain to the sensitive area of values and perhaps objectives, one of the implications of this study offers encouragement. While a number of the guidelines (3 of 9 dealing with objectives and 3 of 7 with values) were not conceptually validated, the element of idealism was sustained. This is evidenced by the fact that of the three values rejected, two of the three came close to being conceptually validated. The importance of these responses lies in the fact that, without firmly established goals, all the planning and formulation guidelines would be of little use. In the third section, the general provisions suggested to underlie the process of formulating a code were accorded a high rate of conceptual validation. The sixteen guidelines approved by the jury represented a sanction of 84%. The implication of this formidable percentage was interpreted to mean that if a code was able to manifest the provisions of these guidelines, the admonitions identifying a good code found in the literature and in the suggestions of those with experience in codemaking would have been heeded. One conclusion that must be drawn is that further study must be accorded the topic of goals, values, and objectives. Another area of the study that must be restudied relates to the treatment of enforcement provisions.

One intent that was consciously worked into the phraseology of the guidelines was the important premise that

the code was not to be construed as supra law nor even competitive, but rather, a code was to instill respect for the common law. No apology is made for the emphasis placed on the number of guidelines that apply to idealism, a component of ethical codes. The roots of ethics lie in the "what ought to be"; support for that contention was found in the conceptually validated guidelines.

What may be regarded as a deficiency in this study was the absence of follow-up interviews with those who completed the questionnaires. This problem was evaluated. In the light of the number of guidelines that required serious judgment and the administrative position held by those invited to participate, prudence dictated that the interviews should not be conducted. It was judged by the writer that the constraints of time that would have been placed upon the jurors would have outweighed the additional data that might have been of significance.

A second possible deficiency may have been the approach to incorporating guidelines that pertained to maintenance and the enforcement of a code. In actuality, the results of the survey may have given a better dimension to the scope of what a code must accomplish if it is to be used to better serve the academic community of the university. The relative failure of the study to garner more support for the guidelines treating the maintenance and the enforcement of a

code forms the topic of the third and sixth recommendations in the following section.

Recommendations

Emanating from this study, which dealt with the problem of developing conceptually validated guidelines that could be used to create a code of ethics for institutions of higher education, are several suggestions for future study.

1. Expand the number and types of institutions of higher education to include a greater variety, such as, community colleges and private colleges and universities.
2. Distribute the questionnaire (revised) to all segments of the university community to whom the provisions of the code would apply. Include in the distribution faculty, office personnel maintenance personnel, and other holding staff positions. Their input would broaden the basis for analyzing the data.
3. Institute a (background) study of those holding vice presidential positions since they may possess an attitude toward administrative practices that does not coincide with that of Dean. A study of their background might include whether all have moved into the ranks of administration after years of experience as faculty members, or have had previous experience in managerial positions. The

influence of former professional experience may account for their viewpoints.

4. Redesign the format of the questionnaire to include a study of the difficulty in implementing the guidelines from the perspective of an administrator. This recommendation is based on the consensus of opinion that led to the conceptual validation of a high percentage of the guidelines approved for the planning of a code of ethics.
5. Undertake a much broader study to establish objectives and values or goals. This recommendation is based on the analysis of the guidelines addressed to those concepts. Before progress can be made in a similar study, a somewhat more universal support might have to be established for guidelines that deal with objectives and values.
6. Institute a study that would consider restricting those responding to questions related to maintenance and enforcement guidelines to those participants who are inclined to support enforcement provisions. If a more sophisticated questionnaire might be devised, there would be no need to concede, for research purposes, that a code must or must not have provisions for enforcement. Those who support voluntary compliance have little reason to evaluate enforcement guidelines.

APPENDIX A

GUIDELINES QUESTIONNAIRE FOR DEVELOPING
A CODE OF ETHICS

GUIDELINES FOR PLANNING A CODE OF ETHICS FOR AN INSTITUTION OF HIGHER EDUCATION

A. EXECUTIVE RESPONSIBILITIES

	Retain	Delete	Modify
1. The president should prepare a formal statement authorizing the development and implementation of a code of ethics. The statement should include the following points:			
a. Some of the unique aspects of the profession of education that prompted the decision to implement a code.	()	()	()
b. Ethical problems faced by various segments of the university community.	()	()	()
c. Concrete objectives of the project.	()	()	()
d. Benefits that may be expected to accrue to various segments as well as to the entire university community.	()	()	()
e. A recognition of the project's inherent, but not unsurmountable difficulties.	()	()	()
2. A long term commitment of the university's leadership to the development of the code must be unequivocal. Any supportive statements or documents used by the administration must employ language that reflects the priority assigned to the project.	()	()	()
3. The president should create a small ad hoc committee whose credentials possess qualities that will help to insure the success of the project.	()	()	()
4. The ordinary channels of authoritative communication should be utilized to stress the necessity for cooperation between the ad hoc committee and all segments of the university community. At the same time, other accepted forms of communication should be encouraged to further this end.	()	()	()
5. The president must guarantee that the committee will have access to the resources needed to expedite the project. These resources include the authority commensurate with their charge and an adequate budget.	()	()	()
6. In concert with the ad hoc committee, the president should designate a chairperson.	()	()	()
7. The president must be aware of the fact that an ongoing commitment to the project is vital for the proper functioning and value of the code now and for the future. There must be provision made for an annual budget.	()	()	()

B. COMMITTEE RESPONSIBILITIES

	Retain	Delete	Modify
1. The committee would be well advised to conduct their business in accord with recognized organizational and operational procedures.	()	()	()
2. Outline a tentative model for the university's divisions and their related personnel. (This model would serve to enable the ad hoc committee to envision the picture as a whole, and enable them to decide on the tentative size of the enlarged committee whose task would be to refine and eventually finalize the draft to be submitted to the president.)	()	()	()
3. Limit expansion of the committee until effective cooperation necessitates the involvement of consultants and liaisons with the various segments of the university community.	()	()	()
4. Provide an adequate orientation for those elected or designated to serve when the committee deems it prudent to enlarge itself.	()	()	()
5. The committee should commit itself to these or similar tasks.			
a. The utilization of current administrative structures to create an appropriate model as a basis for the code's structure.	()	()	()
b. The classification of tentative ethical standards and the designation of divisions and sub-divisions under which they might be placed.	()	()	()
c. Depending upon need, provide for the enlargement of the committee and for its orientation.	()	()	()
d. Provide for the task of revision after the president submits it to a review committee of administrative personnel.	()	()	()
6. Undertake a study of the institution's historic approach to the resolution of ethical issues and instructional practices relative to the maintenance of standards on all levels, including the code of conduct for students.			
The following questions may be useful to establish priorities.			
a. What problems have arisen and in what departments?	()	()	()
b. With what frequency and with what severity were the problems encountered?	()	()	()
c. What levels of administration were usually involved and who made the final decision? (If actually made.)	()	()	()
d. How effective were these decisions in correcting the problem?	()	()	()
e. What kinds of problems and with what frequency could they have been anticipated?	()	()	()

B. COMMITTEE RESPONSIBILITIES (Continued)

	Retain	Delete	Modify
7. Elicit from each department and appropriate sub-division copies of regulations and/or standards that currently apply to personnel in their respective areas.	()	()	()
8. Encourage cooperation by asking the various administrative officials from the different divisions to review and, then, to submit their evaluations of current or proposed self-regulations emanating from professional organizations to which they or their members subscribe.	()	()	()
9. Identify from within university circles, as well as from professional literature, issues that have begun to be of increasing concern to those responsible for university governance.	()	()	()
10. Evaluate codes of ethics and professional standards endorsed by other professional organizations and state statutes. Where practical, it may be wise to adopt them in whole or in part to govern the appropriate department or subdivision.	()	()	()
11. Determine whether the code should include the enforcement section or or should that section be developed as an independent document.	()	()	()
12. Undertake a planned public relations program to amplify the president's references to the benefits and the objectives of the code's creation. The program must be orchestrated in such a way that the dissemination of educational material will lead to a more informed input when the active participation of the university community is solicited.	()	()	()
13. Endorse an educational program that will:			
a. Assuage the fear of those who perceive the code as having a sinister objective.	()	()	()
b. Build upon a person's trust that justice will be furthered.	()	()	()
c. Create an awareness that ethics will contribute to one's faith in the university's mission.	()	()	()
14. The final adoption of the code of ethics should follow the normal procedures for the implementation of any major policy.	()	()	()

GUIDELINES FOR ESTABLISHING OBJECTIVES AND VALUES
FOR A CODE OF ETHICS FOR AN INSTITUTION OF HIGHER EDUCATION

A. OBJECTIVES

	Retain	Delete	Modify
1. To fulfill the stated purpose of the University's Mission Statement.	()	()	()
2. To protect and raise the professional competence of university personnel.	()	()	()
3. To encourage all segments of the institution to protect the public's investment in the university.	()	()	()
4. To use language that protects and promotes academic freedom.	()	()	()
5. To guarantee equity through due process; distinguish between personal and institutional rights and obligations; and support the integrity of contractual commitments.	()	()	()
6. To strengthen the organizational structure.	()	()	()
7. To expedite the decision-making process and consistency in policy formulation.	()	()	()
8. To provide a more effective basis for judgments relative to disciplinary action.	()	()	()
9. To encourage personnel to understand the benefits of knowing one's responsibilities and one's obligations.	()	()	()

B. VALUES

1. The stimulation to appreciate ethical values and encouragement to acquire expertise in this field of study.	()	()	()
2. The reinforcement of concepts of human value and human dignity.	()	()	()
3. The attraction of a better caliber of personnel, the upgrading of ethical performance, and the consequent reinforcement of desirable behavior.	()	()	()
4. The conveyance of a message of solidarity, that is, the necessity for each segment of the university to contribute to the enrichment of the whole.	()	()	()
5. An increased awareness of the value of voluntarily adopting self-regulation standards and standards regarding compliance. (It may be advantageous for some departments to have these incorporated into the code as it pertains to their area. In this way, code sanctions would obtain.)	()	()	()
6. The assurance that all segments place the welfare of the institution above personal interests or the interest of family members or others who may be personally involved in substantial affairs affecting the institution, including not only fiscal transactions but any other matters affecting programs, personnel, or auxiliary enterprises.	()	()	()
7. Its usefulness in orientation programs for new employees.	()	()	()

GUIDELINES FOR FORMULATING A CODE OF ETHICS FOR AN INSTITUTION OF HIGHER EDUCATION

	Retain	Delete	Modify
A. <u>GENERAL PROVISIONS</u>			
1. Design a preamble that addresses itself to the nature, purpose, scope, and priorities of the code. The code should deal with standards or norms that are ethical in nature.	()	()	()
2. Extract from the University's Mission Statement and appropriate governmental documents, the basic philosophical principles upon which the code is to be formulated.	()	()	()
3. Endeavor to promote high ideals rather than simply to insure minimum acceptable standards. A sense of idealism should permeate the document.	()	()	()
4. Avoid any implication that its provisions apply to private ethical conduct except when such conduct constitutes an infraction of the provisions of the code.	()	()	()
5. Be characterized by its simplicity, by its admission that its provisions are not meant to solve every issue that has or will arise in the institution for which it has been designed.	()	()	()
6. Employ statements that are distinguished by their brevity, clarity, saliency and accuracy. Utilize language that may be readily understood by the persons in each section to whom the code applies.	()	()	()
7. Use legal, professional, and technical language only when necessary, but do not allow it to obfuscate the intent of the code.	()	()	()
8. Use legal concepts when counsel so advises, but avoid the inclination to view every precept as being subject to possible litigation.	()	()	()
9. Provide a section for definition of terms and phrases that may require clarification.	()	()	()
10. Sectionalize the code: a) preamble, b) general standards, c) segment of the University to which its specific standards apply, d) enforcement provisions, e) maintenance provisions, and f) appropriate addenda.	()	()	()

	Retain	Delete	Modify
A. <u>GENERAL PROVISIONS</u> (Continued)			
11. Provide in the introduction of each section some brief elaboration upon the code's benefit to that particular group, and its related value to other groups that constitute the university community. The object of this approach is intended to stress the organic unity of the institution.	()	()	()
12. Avoid any implication that the institution will become an intervenor or arbitrator in contractual or civil disputes among those bound by the code in matters that do not pertain to institutional concerns.	()	()	()
13. Include statutes that apply to state employees, especially those of an explicit or implicit ethical nature. Provisions of the code should also demand compliance with all applicable federal, state and local laws.	()	()	()
14. Include matters that are endemic to education. (For example: grading, textbook sales, lobbying - undermining programs on and off campus, grants from firms or other research contracts that are inimical to education, "sunshine laws", and copyright infringements.	()	()	()
15. Devote a significant section to policies pertaining to conflict of interest.	()	()	()
16. Provide reasonably explicit policies relative to discrimination. Avoid terms, phrases or statements that may be construed as being prejudicial.	()	()	()
17. Deal with the issue of confidentiality relative to: a) professional responsibilities, b) institutional responsibilities and c) appropriate governmental statutes.	()	()	()
18. The code should adopt, probably in toto - in the appropriate sub-divisions, the provisions espoused by the A.A.U.P. and the A.A.U.A. for those respective employees of the institution.	()	()	()
19. Provide for a mechanism that can be utilized when one is required to make a decision of an ethical nature and finds that they are faced with a dilemma or an apparent conflict. The complexity of managerial decision making puts undue pressure on those who have not had the opportunity to study ethics.	()	()	()

B. MAINTENANCE PROVISIONS

	Retain	Delete	Modify
1. Provide for an amendment procedure that is not cumbersome, allowing the code to be readily adaptable to changing circumstances. (Periodic revision may be more desirable; it will keep the code-up-to date and create a sense of involvement on the part of those participating.)	()	()	()
2. Provide for an Advisory Board to render opinions related to interpretation, thereby facilitating voluntary compliance with the standards. (The Board must have access to resources including the budget, and authority to seek the expertise of outside consultants.	()	()	()
3. List among the duties of the Advisory Board the collection and dissemination of opinions and case studies. (This process will also contribute to the educational program that will stimulate a continued interest in a viable code.)	()	()	()
4. Make provision for a Code Administrator who may also serve on the Advisory Board. This person would serve as the liaison between the Board and those who want assistance to resolve a question or a grievance. This person represents the visible sign that the institution is committed to the aims of the code.	()	()	()

C. ENFORCEMENT PROVISIONS

1. Provide for a section that deals with enforcement procedures. In some instances the code may mandate that an enforcement policy manual be an addenda or a separate document. This separation may be determined on the basis of the ease with which one or the other is able to be amended.	()	()	()
2. Delineate sanctions but do not allow these to supersede civil law. Sanctions must give evidence that the intent is to be reasonable in the context of the alleged infraction. Discretion, relative to the severity of the censure must be the objective. A code should avoid severe penalties whenever possible; yet it should have sufficient "teeth" to make a code meaningful and worthwhile.	()	()	()
3. Allow the University's Bylaws to endorse a code of ethics but do not permit them to become a part of that particular document.	()	()	()

C. ENFORCEMENT PROVISIONS (Continued)

	Retain	Delete	Modify
4. Procedural safeguards for due process should distinguish this section of the code. For all cases, the enforcement procedures will be best served if the same degree of due process safeguards are used that would normally be required for a dismissal/ expulsion type of enforcement measure.	()	()	()
5. Indicate the degree to which provisions apply to those currently associated with the institution, as opposed to those who are yet to be associated. ("Grandfather clauses" will cause legal complications, even though there may be reasons to suggest that they be considered.)	()	()	()
6. Indicate that those bound by the code should not encourage the promotion or hiring of persons known to engage in practices which would violate the institution's standards.	()	()	()
7. Be explicit in determining who is responsible for carrying out the enforcement procedures and the extent of their authority. (It may be determined that this is one of the duties that should be assigned to the Code Administrator; the subsequent provision may also be considered.)	()	()	()
8. Establish a Judiciary Board to conduct inquiries, hold hearings, and render judgment upon the receipt of complaints that cannot seem to be resolved through normal lines of authority. (These persons may be called upon to meet at the request of the Advisory Board.)	()	()	()
9. Clearly define the composition and limits of the Judicial Board's competence and authority.	()	()	()

APPENDIX B

LETTER OF TRANSMITTAL AND INSTRUCTIONS

February 11, 1983

Dear

Currently, educational literature suggests the desirability of not only self-regulation on the part of universities, but of the allied need for ethical standards to deal with the ever increasing complexity of today's administrative decisions. To help to fill the void that exists in this area of study, my dissertation, under the direction of Dr. James L. Wattenbarger, will address the issue.

The enclosed guidelines are designed to serve as a practical approach to the development of a code of ethics, and have emanated from various sources of literature and from interviews. The validation process requires that these guidelines be evaluated. Your administrative position provides a valuable perspective from which to judge the practical value of the proposed guidelines. Additionally, it is experienced administrators, like yourself who would be expected to use them; consequently, your participation is earnestly solicited.

For the sake of convenience the checklist approach has been chosen; it should lessen the burden of evaluation without affecting validity. Nevertheless, do not feel constrained to limit your observations to the three options offered for each statement. Any written comments will be

valued and may be made on any page of the checklist or on the attached blank pages.

Your response will be appreciated for the enrichment it will provide to the successful conclusion of this project.

Sincerely,

Given your position and experience, if you were asked to utilize these guidelines or delegate another to do so, which of the following would you retain, delete or modify?

INSTRUCTIONS

1. Please indicate your choice by checking the appropriate space next to each guideline.
2. If you indicate that a guidelines should be modified and wish to suggest an alternative statement, please note your change on that page or on the blank page at the end of the checklist.
3. Following the last page of the guidelines you will find a blank page that may be used for any comments you may wish to present.

Please be advised that these guidelines are intended to supplement accepted theoretical and practical procedures for the implementation of major policy statements; although in some instances basic procedures have been included to emphasize their importance.

APPENDIX C

COMPREHENSIVE SUMMARY OF RESPONSES FOR
PLANNING FOR A CODE OF ETHICS

PLANNING FOR A CODE OF ETHICS

EXECUTIVE RESPONSIBILITY GUIDELINES

Responses of Vice presidents

Responses of Deans (and a good possibility of one or two vice presidents)

	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15
1. a. *	R	R	R	O	R	R	R	R	R	R	R	R	R	R	R
b. *	R	R	R	R	R	R	R	X	R	R	O	R	R	R	R
c. *	R	R	R	R	R	R	R	R	R	R	R	R	R	O	R
d. *	R	R	R	R	R	R	R	X	R	R	R	R	R	R	R
e.	R	R	R	O	O	R	R	O	R	O	O	R	R	O	R
2. *	R	R	R	R	R	R	R	R	R	R	R	R	O	R	X
3. *	R	R	R	R	R	R	X	R	R	R	R	R	R	X	X
4. *	R	R	R	R	R	R	R	X	R	R	R	R	R	X	O
5. *	R	R	X	R	R	R	R	X	R	R	R	R	R	X	R
6. *	R		R	R	R	R	R	R	R	R	X	R	R	X	R
7.	R		X	R	O	R	R	X	O	R	O	R	O	R	R

COMMITTEE RESPONSIBILITY GUIDELINES

1. *	R	R	R	R	R	R	R	O	R	R	R	R	O	R	O
2. *	R	R	R	R	O	R	R	R	R	R	R	R	X	O	R
3. *	R	R	R	R	R	R	R	R	R	R	O	R	R	R	X
4. *	R	R	R	R	R	R	R	R	R	X	R	R	R	R	R
5. a. *	R	R	R	R	R	R	R	O	R	R	R	R	R	X	R
b. *	R	R	R	R	R	R	R	R		R	O	R	R	X	R
c. *	R	R	R	R	R	R	R	R	R	X	R	R	O	O	R
d.	R	R	R	R	R	R	R	X	R	X	R	R	O	O	X
6. a. *	R	O	R	R	R	R	R	X	R	R	R	R	R	R	R
b. *	R	O	R	R	R	R	R	R	R	R	R	R	R	R	R
c. *	R	O	R	R	R	R	R	X	R	R	R	R	R	R	R
d. *	R	O	R	R	R	R	R	R	R	X	R	R	R	R	X
e.	R	O	R	R	R	R	R	O	R	X	R	R	R	R	X
7. *	R	R	R	R	R	R	R	R	R	X	R	R	R	R	R
8. *	R	R	R	R	R	R	R	O	R	X	R	R	R	R	R
9. *	R	R	R	R	R	R	R	R	R	R	R	R	R	R	R
10. *	R	X	R	R	R	R	R	R	R	O	R	R	R	R	R
11. *	R	R	R	R	R	R	R	R	R	O	R	R	R	O	R
12.	R	R	R	O	O	R	R	O	R	X	R	R	R	R	X
13. a.	R	R	X	R	O	R	R	R	R	O	O	R	R	R	X
b. *	R	R	R	R	R	R	R	R	R	R	O	R	R	R	X
c. *	R	R	R	R	O	R	R	R	R	R	R	R	R	R	X
14. *	R	R	R	R	R	R	R	X	R	R	R	R	R	X	X

KEY: R - Retain O - Delete X - Modify * - Validated guideline

APPENDIX D

COMPREHENSIVE SUMMARY OF RESPONSES FOR
ESTABLISHING OBJECTIVES AND VALUES

ESTABLISHING OBJECTIVES AND VALUES

OBJECTIVES GUIDELINES	Responses of Vice presidents					Responses of Deans (and a good possibility of one or two vice presidents)									
	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15
1. *	R	R	R	R	R	R	R	R	R	O	R	R	R	R	X
2.	R	R	R	R	O	R	R	X	O	O	O	R	R	O	X
3. *	R	R	R	R	R	R	R	R	O	R	R	R	R	R	R
4. *	R	R	R	R	R	R	R	R	R	O	R	R	R	R	X
5. *	R	R	R	R	R	R	R	R	R	R	O	R	R	R	R
6.	O	O	R	O	O	R	R	O	R	R	R	O	R	R	O
7. *	R	R	R	R	R	R	R	O	R	R	O	R	R	R	R
8.	R	O	R	R	O	R	R	R	X	O	R	R	O	R	X
9. *	R	R	R	R	R	R	R	R		R	R	R	R	R	

VALUES

GUIDELINES

1.	R	O	R	R	R	R	R	R		O	R	R	R	R	X
2. *	R	O	R	R	R	R	R	R	R	R	R	R	R	R	R
3.	R	R	R	R	O	R	R	R	R	R	O	R	X	R	X
4.	O	R	R	O	R	R	R	O	R	O	O	R	X	R	R
5. *	R	R	R	R	X	R	R	R	R	R	R	R	R	R	R
6. *	R	R	R	R	R	R	R	R	R	R	R	R	R	R	X
7. *	R	R	R	R	R	R	R	R	O	R	R	R	R	R	X

KEY: R - Retain O - Delete X - Modify * - Validated guideline

APPENDIX E

COMPREHENSIVE SUMMARY OF RESPONSES FOR
FORMULATING A CODE OF ETHICS

GUIDELINES FOR FORMULATING A CODE OF ETHICS

GENERAL PROVISIONS GUIDELINES	Responses of Vice presidents					Responses of Deans (and a good possibility of one or two vice presidents)									
	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15
1. *	R	R	R	R	R	R	R	R	R	R	R	R	R	R	R
2. *	R	R	R	R	R	R	R	R	R	O	R	R	R	X	R
3. *	R	O	R	R	R	R	R	R	R	R	R	R	X	R	R
4. *	R	R	R	R	R	R	R	O	R	R	R	R	R	R	X
5. *	R	R	R	R	O	R	R	R	R	R	R	R	R	R	X
6. *	R	R	R	R	R	R	R	R	R	R	R	R	R	R	O
7. *	R	R	R	R	R	R	R	R	R	R	R	R	R	R	O
8. *	R	R	R	R	R	R	R	O	R	R	R	R	O	R	X
9. *	R	O	R	R	R	R	R		R	R	R	R	O	R	R
10.	R	R	R	R	X	R	R	O	X	X	R	R	O	R	R
11.	R	O	R	O	R	R	R	C	R	R	R	R	O	R	R
12. *	R	O	R	R	R	R	R	R	R	R	R	R	R	R	R
13. *	R	R	R	R	R	R	R	O	R	R	R	R	O	O	R
14. *	R	R	R	R	R	R	R	R	R	R	R	R	R	X	X
15. *	R	R	R	R	R	R	R	R	X	R	R	R	R	X	R
16. *	R	R	R	R	R	R	R	R	R	R	R	R	R	R	O
17. *	R	R	R	R	R	R	R	R	R	E	R	R	R	R	X
18.	R	R	R	R	X	O	R	O	R	O	R	O	X	X	O
19. *	R	O	R	R	R	R	R	R	R	R	R	R	R	R	O

MAINTENANCE GUIDELINES

1. *	R	R	R	R	R	R	R	R	R	R	R	R	O	R	R
2.	R	O	R	R	O	O	R	O	R	R	R	R	O	O	R
3.	R	O	R	R	O	O	R	O	R	R	R	R	O	O	R
4.	R	O	X	R	O	R	R	O	R	O	X	O	O	O	R

ENFORCEMENT GUIDELINES

1.	R	R	X	R	O	R	R	O	R	O	R	R	O	O	R
2.	R	R	R	R	O	R	R	O	R	O	R	X	O	O	R
3.	R	X	R	O	R	R	R	R	R	O		O	R	O	O
4.	R	R	R	R	O	R	R	R	R	R	R	X	O	X	R
5.	R	R	R	R	O	R	R	O	R	R	R	O	O	R	X
6.	R	O	R	R	O	R	R	O	R	R	O	R	O	O	O
7.	R	R	R	R	O	R	R	O	R	R	R	R	O	O	R
8.	R	O	X	R	O	R	R	O	R	R	R	R	O	O	R
9.	R	O	R	R	O	R	R	O	R	R	R	R	O	O	R

KEY: R - Retain O - Delete X - Modify * - Validated guideline

REFERENCES

- American Association for University Administrators. AAUA professional standards for administrators in higher education. Washington, D.C.: AAUA, 1975.
- American Institute for Property and Liability Underwriters. Code of professional ethics. Malvern, Pa.: AIPLU, 1979.
- AAUP. Statement on professional ethics. AAUP Bulletin, 1966, 52, 57-58.
- Agee, W.M. The moral and ethical climate in today's business world. Business Topics, 1978, 26, 16-19.
- Association of Governing Boards of Universities and Colleges. Guidelines for policies affecting potential conflicts of interest. AGB Reports, January/February, 1979, 31-34.
- Barnard, C.I. The functions of the executive. Cambridge: Harvard University Press, 1971.
- Beck, L.W. Professions, ethics, and professional ethics. In Immegart, G.L. & Burroughs, J.M. (Eds.), Ethics and the school administrator. Danville, Ill.: Interstate Printers and Publishers, 1970.
- Bok, D. Beyond the ivory tower. Cambridge: Harvard University Press, 1982.
- Carnegie Council Report. The control of the campus. Lawrenceville, N.J.: Princeton University Press, 1982.
- El-Kawas, E. Self-regulation: An approach to ethical standards. In Stein, R.H. & Baca, M.C. (Eds.), Professional ethics in university administration. (Vol. 9). San Francisco: Jossey-Bass, 1981.
- Ethics Resource Center. Implementation and enforcement of codes of ethics in corporations and associations. ORC Study #65334, Washington, D.C.: August 1980,
- Etzioni, A. A comparative analysis of complex organizations. New York: Free Press, 1961.

- Fleishman, J.L., & Payne, B.L. Ethical dilemmas and the education of policy makers. New York: The Hastings Center, 1980.
- Fulmer, R.M. The new management. New York: Macmillan, 1974.
- Gibson, J.L., Ivancevich, J.M., & Donnelly, J.H. Organizations. Dallas: Business Publications, Inc., 1979.
- Griffiths, D.E. Administrative theory. New York: Appleton, 1959.
- Harris, C.E. Structuring a workable business code of ethics. University of Florida Law Review, 1978, 30, 310-382.
- Hill, I. (Ed.), The ethical basis of economic freedom. Chapel Hill, N.C.: American Viewpoint, Inc., 1976.
- Horn, R.C. On professions, professionals, and professional ethics. Malvern, Pa.: American Institute for Property and Liability Underwriters, 1978.
- Immegart, G.L., & Burroughs, J.M. (Eds.), Ethics and the school administrator. Danville, Ill.: Interstate Printers and Publishers, 1970.
- Kerr, C. The uses of the university. Cambridge: Harvard University Press, 1964.
- Kimbrough, R.B., & Nunnery, M.Y. Educational administration. New York: Macmillan, 1976.
- Knezevich, S.J. The ethical concerns of professional school administrators. In Immegart, G.L. & Burroughs, J.M. (Eds.) The school administrator. Danville, Ill.: Interstate Printers and Publishers, 1970.
- Knowles, A.S. (Ed.), Handbook of college and university administration. New York: McGraw-Hill, 1970.
- Landis, B.Y. Professional codes. New York: Columbia University Press, 1972 (Originally published, 1927).
- Leys, W.A. Ethics for policy decisions: The art of deliberative questions. Englewood Cliffs, N.J.: Prentice-Hall, 1952.
- Machiavelli, N. The prince and the discourses. New York: Random House, 1940 (originally published in 1513 and 1512-17, respectively).

- Magarrell, J. State ethics codes applied to campuses. The Chronicle of Higher Education, May 24, 1976, p. 1.
- May, W. Professional ethics: Setting, terrain, and teacher. In Callahan, D. & Bok, S. (Eds.), Ethics teaching in higher education. New York: Plenum Press, 1980.
- McBee, M.L. The values development dilemma. Rethinking college responsibilities for values. (Vol. 3). San Francisco: Jossey-Bass, 1981.
- McDonald, K. N.I.H. approves controversial project. The Chronicle of Higher Education, September 8, 1982, p. 8.
- Milesko-Pytel, D. With a dose of morality. American Education, 1979, 15, 31-36.
- Mort, P.F. & Ross, D.H. Principles of school administration. New York: McGraw-Hill, 1957.
- Nichol, D.A. Can "Theory Z" be applied to academic management? The Chronicle of Higher Education, 1982, 25(1), 72.
- O'Neill, E.C. Creating and promoting a code of ethics. Association Management, 1972, 24(11), 44-50.
- Roche, W.F. Code changes proposed for psychologists. Philadelphia Inquirer, August 14, 1982, P.B.8.N.
- Roeder, B. High tech and the universities. Newsweek, February 1, 1982, p. 15.
- Scully, M.C. Universities urged to reassert their right to govern themselves. The Chronicle of Higher Education, 1982, 25(7), 1.
- Sears, J.B. Ethics in school administration. The Educational Forum, 1950, 15, 29-37.
- Simon, H.A. Administrational behavior. New York: Macmillan, 1950.
- Smith, W.A. The revised AICPA rules of conduct: "To serve the public interest." The CPA Journal, 1973, 43(77), 963-968.
- State of Florida. Code of ethics of the department of the education profession in Florida. Tallahassee, Fla.: 1982.
- Stogdill, R.M. Individual behavior and group development. New York: Oxford University Press, 1974.

- Strother, G. The moral codes of executives: A Watergate-inspired look at Barnard's theory of executive responsibility. Academy of Management, 1976, 1(2), 13-22.
- Walker, D.E. The effective administrator. San Francisco: Jossey-Bass, 1979.
- Walker, D.E. The president as ethical leader of the campus. (Vol. 9). San Francisco: Jossey-Bass, 1981.
- Walton, C.C. To break the pentameter-Ethics courses? Proceedings of the American Assembly of Collegiate Schools of Business, 1979, Apr./May, p. 31.
- Walton, J. Ethics of the means: A consideration of the values involved in administrative decisions. In Immegart, G.L. and Burroughs, J.M. (Eds.) The school administrator. Danville, Ill.: Interstate Printers and Publishers, 1970.
- Wenrich, J.W. Can the president be all things to all people? Community and Junior College Journal, 1980, 51(2), 36-40.

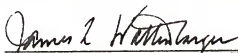
BIOGRAPHICAL SKETCH

Thomas Raymond Cook, son of Mr. and Mrs. Thomas R. Cook was born in Norristown, Pennsylvania. He received his B.A. in philosophy from Villanova University in 1954, and his M.A. in education from Villanova University in 1959.

In 1949 he entered the Augustinian Order, professing his vows in 1954. Following his ordination to the Roman Catholic priesthood on June 7th, 1957, he held positions as teacher and administrator in institutions of secondary education conducted under the auspices of the Augustinian Order in Philadelphia, New York, and Washington, D.C. During this same period of time, he served as a part-time instructor at Villanova University from 1960 to 1966.

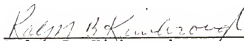
Assigned to Biscayne College in 1970, he served in several administrative positions and also as a part-time instructor. In 1975 he was named Assistant to the President and held that office for five years. During these same years, he was an active member of the Opa Locka Chamber of Commerce and for two terms served as president.

I certify that I have read this study and that in my opinion it conforms to acceptable standards of scholarly presentation and is fully adequate, in scope and quality, as a dissertation for the degree of Doctor of Education.



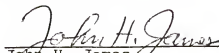
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Professor, Educational Administration and Supervision

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This dissertation was submitted to the Graduate Faculty of the Department of Administration and Supervision in the College of Education and to the Graduate Council, and was accepted as partial fulfillment of the requirements for the degree of Doctor of Education.

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Dean for Graduate Studies and
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